

# **Exhibit 47**

Deposition of Sondra Miltenberger

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TNT AMUSEMENTS, INC., )  
d/b/a PLAY-MORE COIN-OP, )  
Plaintiff, )  
vs. ) No. 4:23-cv-00330-JAR  
TORCH ELECTRONICS, LLC, )  
STEVEN MILTENBERGER, and )  
SONDRA MILTENBERGER, )  
Defendants. )

VIDEO-RECORDED DEPOSITION OF SONDRA MILTENBERGER  
TAKEN ON BEHALF OF THE PLAINTIFFS  
DECEMBER 8, 2023

## I N D E X

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For Plaintiffs

SONDRA MILTENBERGER

Examination by Mr. Finneran

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VIDEO-RECORDED DEPOSITION OF WITNESS,  
SONDRA MILTENBERGER, produced, sworn and examined  
on the 8th day of December, 2023, at the offices of  
Bryan Cave Leighton Paisner, 211 North Broadway,  
Suite 3600, St. Louis, Missouri, before Tara  
Schwake, a Registered Professional Reporter,  
Certified Realtime Reporter, Certified Shorthand  
Reporter (IL), Certified Court Reporter (MO), and  
Notary Public within and for the State of Missouri.

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1                   IT IS HEREBY STIPULATED AND AGREED by  
2                   and between Counsel for Plaintiff and Counsel for  
3                   Defendants that this deposition may be taken by  
4                   Tara Schwake, Notary Public and Certified Realtime  
5                   Reporter, thereafter transcribed into typewriting,  
6                   with the signature of the witness being expressly  
7                   reserved.

8                                   \* \* \* \* \*

9                   (Deposition commenced at 9:17 AM.)

10                   THE VIDEOGRAPHER: Good morning. We  
11                   are on the record at 9:17 on December 8, 2023.  
12                   This is media unit one of the video-recorded  
13                   deposition of Sondra Miltenberger taken by counsel  
14                   for Plaintiff in the matter of TNT Amusements,  
15                   Inc., versus Torch Electronics, LLC, et al., filed  
16                   in the US District Court for the Eastern District  
17                   of Missouri, Eastern Division, Case Number  
18                   4:23-cv-00330.

19                   This deposition is being held at  
20                   Bryan Cave Leighton Paisner at 211 North Broadway  
21                   in  
22                   St. Louis, Missouri. And my name is Tim Perry,  
23                   Certified Legal Video Specialist. Our certified  
24                   court reporter is Tara Schwake. We are with  
25                   Veritext Legal Solutions.

1                   And, Counsel, I would ask you now to  
2                   introduce yourselves for the record, please.

3                   MR. FINNERAN: Richard Finneran on  
4                   behalf of Plaintiff, TNT Amusements, and  
5                   accompanied by my colleague, Mary Grace Warren.

6                   MR. CRAIG: Aaron Craig on behalf of  
7                   Defendants.

8                   THE VIDEOGRAPHER: Thank you. Tara,  
9                   please swear in the witness.

10                               \* \* \* \* \*

11                   SONDRA MILTENBERGER,  
12                   of lawful age, having been produced, sworn, and  
13                   examined on the part of the Plaintiffs, testified  
14                   as follows:

15                               EXAMINATION

16                   QUESTIONS BY MR. FINNERAN:

17                   Q       Hello, Ms. Miltenberger, would you  
18                   please just state and spell your name for the  
19                   record?

20                   A       Sure, it's Sondra, and it's spelled  
21                   S-o-n-d-r-a, Miltenberger is spelled  
22                   M-i-l-t-e-n-b-e-r-g-e-r.

23                   Q       And that is your married name?

24                   A       Yes.

25                   Q       What's your maiden name?

1           A       Walther, W-a-l-t-h-e-r.

2           Q       Okay. And how long have you been  
3 married to your husband?

4           A       We just celebrated our 25th.

5           Q       Congratulations.

6           A       Thank you.

7           Q       What's your husband's full name?

8           A       Steven, S-t-e-v-e-n, and  
9 Miltenberger, M-i-l-t-e-n-b-e-r-g-e-r.

10          Q       Great. So we're going to -- I'm  
11 going to go over some ground rules with you real,  
12 real quick first. I know that being deposed is not  
13 a comfortable proposition for anybody, but my goal  
14 is not to make this more uncomfortable than it has  
15 to be. So hopefully if we can agree on a few  
16 ground rules, it'll just make it easier as we go  
17 through the day.

18          A       Yes.

19          Q       So the first thing is that, as you  
20 know, we've got a court reporter here who is  
21 transcribing everything that we say. So it's  
22 important for that reason we not talk over each  
23 other. It's really for her benefit because we want  
24 to make sure there's a clear record. She'll yell  
25 at us if we start doing it, but if we can try to

1 remember to just, I ask a question, you give an  
2 answer, I'll wait for your answer to be done before  
3 I ask my next question and we'll just proceed in  
4 that fashion. Is that okay?

5 A Yes, sir.

6 Q Um, secondly, you know, it may be  
7 that I ask a question that's confusing to you, or  
8 doesn't make sense to you. If that's the case,  
9 you're welcome to ask the court reporter to repeat  
10 it. You're welcome to tell me you don't understand  
11 and ask my to clarify and I'll do my best to do so.  
12 But if you give me an answer to a question, then  
13 I'm going to presume that means you understood the  
14 question and you know what I'm asking for.

15 A That's fine.

16 Q Okay. You also, any time you need to  
17 take a break, you can take a break, you just need  
18 to say "Can we take a break" and you and your  
19 attorney can step out and speak during the  
20 deposition any time you like. The only exception  
21 to that rule is you can't do that while a question  
22 is pending. So if I've asked you a question, you  
23 need to give an answer to the question before we  
24 take the break.

25 A Okay. Yes, sir.

1           Q       And finally, I'm going to be asking  
2       you about, you know, communications you've had with  
3       people and conversations you've had with people.  
4       One conversation I'm never interested in is a  
5       conversation you've had with any of your attorneys.

6           A       Okay.

7           Q       So if I ask you a question that calls  
8       you -- calls for you to have to answer it by  
9       revealing a communication with your attorney, you  
10      need to say, "I'm sorry, the only communications  
11      I've had about that are with my attorney," or  
12      something along those lines, and that way we'll  
13      move on from that.

14          A       Okay.

15          Q       We're not trying to invade your  
16      privilege with your lawyer. That's your right, and  
17      so we're not trying to get into that.

18          A       Yes, sir.

19          Q       Does that all make sense?

20          A       Mm-hmm.

21          Q       Okay. If you have any questions in  
22      the process, you know, we can always take a break  
23      and you can talk with your lawyer, so.

24          A       Okay.

25          Q       Again, I'm trying to make this as

1 -- as comfortable as it can be under the  
2 circumstances.

3 A Mm-hmm. Thank you.

4 Q So first, have you ever been deposed  
5 before?

6 A No.

7 Q Okay. Well, then I guess those were  
8 all new ground rules for you. Have you ever  
9 testified in a courtroom before?

10 A No.

11 Q Have you ever given any testimony  
12 under oath orally?

13 A No.

14 Q Okay. All right. You're the first  
15 person I've had the chance to depose from Torch or  
16 affiliated with Torch and so a lot of my questions  
17 in the beginning at least are going to be very  
18 basic questions, I think.

19 A Okay.

20 Q Obviously, if you don't know the  
21 answer to a question, you can just tell me you  
22 don't know the answer.

23 But why don't we start by just  
24 telling me what is your role, as you would describe  
25 it, at Torch Electronics?

1           A       Um, I do the accounting work and --  
2       basic accounting and the -- the payroll for Torch  
3       Electronics.

4           Q       Okay. Do you have a title?

5           A       Um, no. Um, that's basically just  
6       the way to put it. Steven's wife. Um, I would --  
7       I would say just that. There's no reason for a  
8       title to me actually.

9           Q       That's fair. Do you have your  
10      signature block on your emails or your letters --  
11      you don't have --

12          A       Yeah, I do. I do. Just, you know,  
13      my name and then "Torch Electronics" and then  
14      "accounting/payroll," so.

15          Q       Okay.

16          A       And it's really basic accounting.  
17      It's not, you know, we -- it's not -- I don't do  
18      the big stuff, you know. It's just basic.

19          Q       And can you describe to me what you  
20      mean by that? So when you say the basic versus the  
21      big stuff, where do you -- tell me what you do and  
22      what you don't do?

23          A       What I don't do is I don't do our  
24      taxes, our income taxes. And I -- that's basically  
25      that part of the big part. The smaller part is

1     like bank reconciliations and accounts payable.

2             Q       Okay.

3             A       Yeah.

4             Q       Is that the entirety of your role,  
5     then, is accounts payable and -- and accounting?

6             A       Mm-hmm.

7             Q       Do you have any -- sorry, is that a  
8     yes or a no?

9                     (Simultaneous speaking - inaudible.)

10            Q       (BY MR. FINNERAN) You got to say yes  
11     or no for the record.

12            A       Oh, I'm sorry, yes. Yes.

13            Q       Do you -- do you have any involvement  
14     with sales?

15            A       No.

16            Q       Any involvement with marketing?

17            A       No.

18            Q       Do you communicate with the  
19     customers? I say "customers," let me define that.  
20     The people who you place devices with, do you --

21            A       No.

22            Q       -- typically have communications with  
23     them?

24            A       No.

25            Q       Okay. And please don't talk over me



1 when I'm asking the question. Again, it's fine.  
2 We just got to get used -- we got to get in that  
3 rhythm so we don't drive her crazy all day.

4 Okay. So then tell me how, um, how  
5 you first came to be involved in Torch, was it at  
6 the very beginning, and tell me the story of how  
7 Torch came to be, if it was.

8 A Um, goodness. Um, Steven and I just  
9 been through a lot and I want to just -- basically  
10 2015, 2016, Steven started the business. Um, I  
11 actually was -- and I didn't talk this over with  
12 Aaron, but I was -- I was a direct sales for 31,  
13 it's actually -- it's an independent sales company  
14 like Mary Kay and all that.

15 Q Mm-hmm.

16 A And I did that for about six or seven  
17 years, and then I seen we were growing and he  
18 needed assistance and I've worked with Steven  
19 before. Actually, we've worked together all of our  
20 marriage. And so then I started helping him  
21 probably '17 -- 2017, 2018, and then that was --  
22 that's where I kind of started. So. Yeah. Yeah.

23 Q Okay. Um, so you said that when the  
24 business first started, you didn't have any  
25 involvement in it then; is that what I understood

1 your answer to be?

2 A No, but -- no.

3 Q Oh. No, you did not have any  
4 involvement or --

5 A No, I didn't have any involvement,  
6 yeah.

7 Q Okay. So, and you said it was  
8 probably then around 2017 where you started to  
9 become involved?

10 A Yes, sir.

11 Q Okay. Do you have an ownership  
12 interest in the business?

13 A No.

14 Q How -- who owns Torch?

15 A Steven --

16 Q A hundred percent?

17 A -- Miltenberger, my -- my husband.  
18 Yes.

19 Q Okay. And make sure we don't talk  
20 over each other. So that's partly my fault, but  
21 I'll try to do better.

22 A Sorry.

23 Q Okay. Do you have any people, then,  
24 -- well, first of all, let me ask this. Does Torch  
25 have any employees other than yourself and your

1 husband?

2 A No.

3 Q Am I correct everybody else is  
4 considered an independent contractor?

5 A Yes, sir.

6 Q Okay. Given that, are there any  
7 people that you would say report to you among the  
8 independent contractors where you're their  
9 supervisor or their direct report?

10 A No.

11 Q Okay. So you don't handle the  
12 accounting of the taxes, I heard. So who is your  
13 accounting firm that you -- your outside accounting  
14 firm, or do you have one?

15 A We do. Actually, they are here based  
16 in St. Louis. It's Wolff and Taylor.

17 Q Okay.

18 A Yeah.

19 Q And can you spell Wolff for me?

20 A Wolff is spelled W-o-l-f-f, and  
21 Taylor.

22 Q Okay. And Taylor with a T-a-y-l-o-r?

23 A Yes. Yes.

24 Q Okay. All right. So then just maybe  
25 describe for me on a day-to-day basis, as of today,

1     what would your day-to-day work look like for Torch  
2     in general?

3             A       Oh, goodness.  I -- basically just  
4     making sure that the bank reconciliations, um, you  
5     know, I work on those, and -- gosh.  Paying the  
6     bills, um, and, um, I don't know.

7             Q       Okay.  That's a good enough answer  
8     for the moment.  So then what's Steven's title with  
9     Torch; do you know?

10            A       Well, he's basically the manager  
11     because it's an LLC.

12            Q       Mm-hmm.

13            A       So it's not a incorporated business.

14            Q       Right.

15            A       So.

16            Q       So manager is his title?

17            A       Yes.

18            Q       Do you know if he also holds the  
19     title of president?

20            A       Yeah, I mean it's there but it's --  
21     most of the time legal wise, legally, it's manager.

22            Q       Okay.

23            A       So, yeah, I mean with it being an LLC  
24     far as --

25            Q       Mm-hmm.  Okay.  We just discussed a

1 moment ago what your job duties are today. Are  
2 those similar to what your job duties would have  
3 been at the beginning and all the way through, or  
4 have they changed over time?

5 A Um, I don't remember. I don't  
6 remember. It's just been just -- yeah. I don't  
7 remember.

8 Q Okay. Do you take a salary from  
9 Torch?

10 A Yes.

11 Q And what is your salary?

12 A 4,000 -- 4,500. 4,500 a week.

13 Q And has that been the case that  
14 you've taken a salary throughout your time with  
15 Torch?

16 A Yes.

17 Q Has the amount of the salary changed?

18 A No.

19 Q Okay. Do you -- do you have any  
20 additional commissions or bonuses that are  
21 available to you?

22 A No.

23 Q Okay. You said that Steven's the  
24 manager of the business. Are you a manager of the  
25 business?

1           A       No.

2           Q       Okay. All right. That covers some  
3 of this. Okay. So you said that the other  
4 individuals are independent contractors. Is there  
5 any hierarchy among the independent contractors in  
6 terms of is there someone who supervises a group  
7 of them or anything like that?

8           A       No.

9           Q       Okay. Can you tell me the kind of  
10 roles the independent contractors generally carry  
11 out?

12          A       Basically they -- we have locations  
13 and they basically just audit the -- audit the  
14 locations and that's really all I know. Steven --  
15 Steven handles the majority of that.

16          Q       Okay. But you --

17          A       Actually all of that.

18          Q       But you also do the payroll; right?

19          A       Yes.

20          Q       And that's for everybody in the  
21 company?

22          A       Yes.

23          Q       Okay. So are you aware of  
24 salespeople as well?

25          A       Am I aware of salespeople?

1           Q       Yeah, who are independent contractors  
2       for Torch?

3           A       You mean for -- like they are  
4       salespeople but they're independent contractors?

5           Q       I guess maybe does Torch retain  
6       anybody as an independent contractor who does a  
7       sales function?

8           A       No.

9           Q       No. Does Torch retain anybody who --  
10      who does a sort of customer relations function?

11          A       No.

12          Q       Okay. So when you say that they  
13      audit the locations then, can you describe to me  
14      what you mean by that?

15          A       Um, basically it's just they, you  
16      know, they go into the locations, there may be like  
17      four, um, machines in there, and then they  
18      basically, you know, once a week, sometimes more  
19      but not usually, but they basically just go in and  
20      -- and basically balance the numbers and then, um,  
21      we give the location half of the revenue that those  
22      machines have take -- have made and then we take  
23      the other half.

24          Q       Okay. When you say "balance the  
25      numbers," what are they -- what are they reviewing

1 or looking at to, quote, "balance the numbers"?

2 A Basically little slips of paper that  
3 are printed off from the machines and then the cash  
4 that's put into the machine. They make sure those  
5 numbers balance each other, like they equal each  
6 other basically, yeah.

7 Q Mm-hmm, right, okay. Do they review  
8 any of the records of the -- the location itself,  
9 so the register at the -- at the location?

10 A No.

11 Q Okay. Has that been true throughout  
12 the time period we're talking about?

13 A Yes.

14 Q Okay. Maybe I'll skip ahead a little  
15 bit because we're getting onto one of the topics I  
16 wanted to cover, and I'll come back to that in a  
17 moment then.

18 So you mentioned the idea that  
19 there's a 50/50 split of revenue with the  
20 locations; is that correct?

21 A Yes.

22 Q Is that uniform throughout Torch's  
23 business?

24 A Yes.

25 Q Are you aware of any circumstances



1 where a higher or a lower percentage of the returns  
2 have been agreed to?

3 A No.

4 Q Okay. So help me understand, then,  
5 how that is sort of happens on a -- on a -- just a  
6 very basic basis. If the machine is collecting  
7 money and money is being fed into the machine, does  
8 the location owner have the ability to take money  
9 out of the machine?

10 A No.

11 Q Okay. So it would be these -- what  
12 should we call these individuals who audit the  
13 locations? What's the term you use to refer to  
14 them?

15 A We just call them auditors.

16 Q Auditors.

17 A Yeah.

18 Q Okay. So Would an auditor then be  
19 the one to go to the location to remove the money  
20 from the machine?

21 A Yeah.

22 Q And when you say that the money is  
23 split with the location owners or location  
24 managers, is it -- does that happen on site? They  
25 literally just take half the cash and hand it to

1 the manager --

2 A Yes.

3 Q -- and then you take the other half?

4 A Yes.

5 Q Yes, okay. Are there any records  
6 kept of how much money was earned by each of the  
7 machines?

8 A I don't know.

9 Q Are there any records kept of how  
10 much money is paid out to those individual  
11 amusement location proprietors?

12 A I don't know.

13 Q Okay. That's not part of the  
14 accounting function that you serve?

15 A No.

16 Q Okay. Are you aware of anybody else  
17 in the company who might -- might be aware of  
18 whether there are records of those transactions?

19 A I don't know.

20 Q Okay. And I said in the company, so  
21 I have to ask again, are you aware of any  
22 independent contractor who might be aware of  
23 records of that sort?

24 A I don't know.

25 Q Okay. You said that they balance the

1 machines and you said that there's slips of paper.  
2 Can you describe what you meant by the slips of  
3 paper?

4 A Um, well, you know, like a receipt  
5 that you would get from like a retail store. It's  
6 basically just a little bit smaller than that and  
7 it just prints like what went in and what was --  
8 what came out and what was paid to the -- the  
9 player.

10 Q Okay.

11 A Yeah.

12 Q And so this is a single slip of paper  
13 the machine would produce to say here's what  
14 happened since the last time --

15 A Yes.

16 Q Okay. Let's talk then about how the  
17 players get paid. So if a player plays the game  
18 and wins money, how are they paid?

19 A It's different everywhere.

20 Q Okay. Well, give me one -- one  
21 version of how it works.

22 A Well, basically on the spot.  
23 Basically, you know, there's agreement with the  
24 location and Torch Electronics, and then they  
25 basically just pay them right there. So.

1           Q       When you say "they pay them right  
2       there," who pays them?

3           A       I'm sorry, the auditor. The store  
4       manager. The store manager.

5           Q       Okay.

6           A       Yeah.

7           Q       Just to be clear, not the auditor?

8           A       No, not the auditor. We were talking  
9       about that for a second and then -- but no, it's  
10      the store manager.

11          Q       Yeah, and I get it, but since we're  
12      on the record, I want to make sure that your answer  
13      is clear. It's the store manager, not the auditor?

14          A       Yes.

15          Q       That's correct?

16          A       Yes, sir.

17          Q       Okay. So the store manager then  
18      would pay them using money from the machine or  
19      money from the register or some other source?

20          A       I don't know.

21          Q       Okay. When the machine does pay out  
22      a prize to a player, do they receive a voucher and  
23      then hand that to the store manager or does the  
24      machine itself dispense money or is it some other  
25      system?

1           A       Um, the store manager. Will end up  
2 giving them, yeah.

3           Q       So how does the store manager know  
4 how much to give them?

5           A       Usually it's on the ticket, and then  
6 there's like a little QR code that kinda verifies  
7 that that really is what came out of the machine.

8           Q       Okay.

9           A       Yeah.

10          Q       Has that basic procedure been  
11 consistent throughout Torch's existence, or has  
12 that changed over time?

13          A       That's what it's been, yes, sir.

14          Q       Okay. All right. Let me just make  
15 sure that I hit those points now.

16                 All right. We may come back to some  
17 of that as we go forward, but I just, since we were  
18 on the topic, I wanted to try to cover it.

19                 So going back to the other  
20 independent contractors that Torch works with, you  
21 say these are auditors. How are the auditors  
22 compensated?

23          A       How are they paid for, is that what  
24 you're asking?

25          Q       Mm-hmm, yes.

1           A       They basically turn in a sheet every  
2 week, and then I process -- process it with the  
3 payroll. Like when Steven and I and then the  
4 auditor will -- they email it to me, and then we  
5 kinda -- well, we review it and then, and we know  
6 what they're doing, so just review it and then,  
7 basically I put into the Paychex and they get  
8 direct deposited and that's pretty much it.

9           Q       Okay. When you say "into Paychex,"  
10 is that the program Paychex? Or is that -- when  
11 you say --

12          A       Paychex like ADP being like a payroll  
13 company, Paychex is a payroll company and that's  
14 what I mean, yeah. Yeah.

15          Q       Yeah, and that's -- is that spelled  
16 P-a-y-c-h-e-x; is that right?

17          A       Yes, sir.

18          Q       Okay. And So you say that the way  
19 that would work, then, is you would put it into  
20 that system and then Paychex, the company, would  
21 issue a direct deposit through the Federal Reserve  
22 system basically --

23          A       Right.

24          Q       -- to that person's bank account; is  
25 that correct?

1           A       Correct. Yes. Correct, sir.

2           Q       Okay. You said that they turn in a  
3 sheet. What -- what do they have to tell you on  
4 the sheet in order to validate their right to be  
5 paid?

6           A       Basically, well, they're service  
7 calls, so they put service calls on there, and then  
8 they put, um, um, and then they put where they've  
9 been. Like which location. And that's really it.  
10 So. Yeah.

11          Q       Okay. Are they paid on an hourly  
12 basis?

13          A       No. They're paid per machine. Like  
14 if they go into a location, if there's four in  
15 there?

16          Q       Mm-hmm.

17          A       They get paid a set amount for each  
18 machine that they audit.

19          Q       Understood.

20          A       Yes.

21          Q       Okay. And you said something about  
22 service calls as well?

23          A       Yes.

24          Q       What is a service call?

25          A       If a bill is jammed, if a ticket is

1 jammed, if -- yeah. That's -- that's what a  
2 service call. Yeah.

3 Q Okay. And they also get paid on a  
4 per service call basis?

5 A Yes. Yes.

6 Q Okay. And so when you say they get  
7 paid on a per machine basis, is it fair to say that  
8 they get paid either per audit or per service call?

9 A Per -- per audit and --

10 Q Per machine --

11 A -- service call, if it applies.

12 Q Okay.

13 A Yes.

14 Q Okay.

15 A Yeah.

16 Q So if there's four machines in a  
17 location, one needs service and all four need to be  
18 audited, they would submit a ticket to you that  
19 would say I audited four machines, I serviced one,  
20 and then that would determine how much they were  
21 paid?

22 A Yes, sir.

23 Q Okay. Other than independent  
24 contractors or auditors, do you also have vendors  
25 for example who work with you on marketing issues?



1           A       No.

2           Q       Do you pay any outside companies that  
3       are not your auditors to do anything for you?

4           A       No.

5           Q       Obviously you pay attorneys to help  
6       you with attorney matters; correct?

7           A       Yes.

8           Q       Okay. And there's no one else like  
9       that in the world of marketing where you have paid  
10      a company to help you with, you know, a marketing  
11      flyer or a communication or a website, nothing of  
12      that sort?

13          A       I don't know.

14          Q       Okay. These auditors that you  
15      mentioned, do they have technical expertise to be  
16      able to actually access the software of the  
17      machines?

18          A       Can you reword that?

19          Q       Yeah, I'll try repeating it and then  
20      if it doesn't make sense --

21          A       Yeah, or repeat it, yeah.

22          Q       -- you can ask for clarification.

23                   Do the auditors have technical  
24      expertise to interface or work with the software of  
25      the machine, or they -- or do they only have the

1 ability to fix a bill acceptor or some sort of, you  
2 know, mechanical issue?

3 MR. CRAIG: Object to form,  
4 speculation. You can answer if you know.

5 Q (BY MR. FINNERAN) Okay. You can  
6 answer.

7 A No.

8 Q No -- I asked two different  
9 possibilities, so which one is it? They don't have  
10 technical expertise with software?

11 A They do not have technical expertise,  
12 no.

13 Q With software. Okay. Are you aware  
14 of auditors ever making modifications to the  
15 software of the machines?

16 A No.

17 Q Okay. How familiar are you with the  
18 software of the machines?

19 A I don't know anything about it.

20 Q Okay.

21 A To be honest, I don't -- I mean, I  
22 will just tell you point blank.

23 Q That's fair. I may ask you some more  
24 questions to make sure that we're on the same page  
25 about that.

1           A       That's too much.

2           Q       That's understandable. And I don't  
3 expect you to be an expert at everything or have  
4 the answer to every question --

5           A       Right.

6           Q       -- but I have to -- until I ask the  
7 question, I don't know.

8           A       I understand.

9           Q       Right. Okay. So we'll maybe come  
10 back to that in a moment. Let's just talk about  
11 the way you conduct your business. So do you make  
12 frequent use of email in the course of your  
13 business?

14          A       You mean I myself or --

15          Q       You personally, yes.

16          A       Oh. Yes. Yes.

17          Q       And what sort of emails would you be  
18 regularly sending and to whom?

19          A       Oh, it could be anywhere from Paychex  
20 because an employee needed something or um, um, you  
21 know, or an employee, if they needed something, or  
22 if, um, that's -- that's really it, yeah.

23          Q       And when you say employee, just to be  
24 clear, you mean --

25          A       Not employee. I mean contractor.

1 Q Yeah.

2 A I meant contractor.

3 Q And I totally understand you might  
4 use that term colloquially. It doesn't --

5 A Yeah.

6 Q -- I think matter for our case  
7 whether we call them employees or not, but I just  
8 want to be clear, that's who you're referring to  
9 when you say employees?

10 A Yes. Yes.

11 Q Okay. How about the telephone? Do  
12 you frequently use the telephone while you're  
13 engaged in your work?

14 A No.

15 Q Okay. And I wasn't clear in that  
16 question. I was thinking about talking on the  
17 telephone. But do you also sometimes text message  
18 in connection with your work?

19 A No.

20 Q You never text message in connection  
21 with your work?

22 A No.

23 Q Okay. Do you never use the  
24 telephone? Or rarely use the telephone?

25 A Yeah, for our children.

1           Q       I'm sorry. In connection with your  
2 work.

3           A       No.

4           Q       No, you don't ever use the telephone?

5           A       I do not ever use the phone for Torch  
6 Electronics.

7           Q       Okay. Do you have occasion during  
8 your work for Torch Electronics where you have to  
9 mail things? Put things in the US Mail?

10          A       Yeah, we're -- I had mentioned I do  
11 the accounts payable, so basically mailing those.

12          Q       Okay.

13          A       Mailing those checks, yeah.

14          Q       And do you typically use the US Mail  
15 or FedEx or UPS or some other service, or does it  
16 vary?

17          A       United States Postal Service.

18          Q       Okay. I'm sorry, I just need to --  
19 these may seem like very, very basic questions but  
20 I just need to ask these questions.

21                   So what means of communication then  
22 do you use in the context of your business other  
23 than email, if any?

24          A       Email.

25          Q       Okay. Do you ever use Zoom?

1           A       No.

2           Q       Do you ever have videoconferences in  
3 connection with your business?

4           A       No.

5           Q       Do you ever use WhatsApp in  
6 connection with your business?

7           A       No.

8           Q       Do you ever use Slack in connection  
9 with your business?

10          A       No. I never heard of that. No.

11          Q       Okay. We got to ask because we don't  
12 know until we know; right?

13          A       Never heard of that one.

14          Q       Have -- do you ever use Signal in  
15 connection with your business?

16          A       No, sir.

17          Q       And do you ever use Facebook  
18 Messenger?

19          A       No.

20          Q       Any other social media service do you  
21 use in connection with your business?

22          A       No.

23          Q       Are you aware of a company called  
24 Banilla?

25          A       Yes.

1 Q And can you tell me what Banilla is?

2 A Banilla is our main vendor for our  
3 machines in the locations.

4 Q Okay. When you say "vendor," what do  
5 you mean?

6 A Um, "vendor" means we're paying them  
7 for the machines. I mean, you know, that's only  
8 way I can look at it, is it's they're a vendor, you  
9 know.

10 Q So in other words, do you buy the  
11 machines from Banilla?

12 A Yes.

13 Q You don't rent or lease the machines?

14 A Um, no.

15 Q So the owner of each of the machines  
16 is Torch?

17 A Yes.

18 Q And likewise, with respect to the  
19 amusement locations that we've talked about, when  
20 the devices are placed in those locations, are you  
21 leasing the devices to the owners, or are they  
22 still owned and operated by Torch?

23 A They're owned and operated by Torch.

24 Q Okay. How do Banilla's machines get  
25 to you when they -- when you buy a machine? Are

1 they shipped? Are they picked up? How do they get  
2 to you?

3 A They are basically out of Wisconsin  
4 and North Carolina, so they are shipped to --  
5 shipped to us, yes.

6 Q And when I say "to you," where are  
7 they shipped specifically?

8 A In the, um, Chesterfield Valley.  
9 Basically. We have a shop there and they, you  
10 know, come in a big truck. I'll be honest, I've  
11 never seen it happen but probably once, but yeah,  
12 that's usually how they get down there is they come  
13 from there and then they are dropped off at our  
14 shop in the Valley.

15 Q Okay. And then -- and I grew up out  
16 there, so I know exactly where you're talking  
17 about. How do then those devices get from your  
18 shop to any particular location where you are  
19 placing them?

20 A That's where the, um -- well, that's  
21 where the auditor kind of slack (sic) technician,  
22 and I can go back on the technician part if you  
23 want me to, but they end up, the technicians load  
24 them on a truck and then they basically take them  
25 to a location. But -- that Steven has acquired.



1 Q Okay.

2 A Yeah.

3 Q And you said auditors --

4 A Are Torch, I should say. Sorry.

5 Q Yeah. I think you may have misspoke.

6 you said You said "auditors slack technicians."

7 Did you mean slash technicians?

8 A Slash, yeah.

9 Q Okay. So I said --

10 A Yeah, my mouth is dry.

11 Q -- I said slack a moment ago and I

12 get I guess got the word in your head. So yeah,

13 come back to me then on the idea of technicians.

14 Who were the technicians?

15 A Okay. The technicians basically are

16 just strictly -- they're paid like a contractor,

17 because they're 1099s, but they service our

18 locations also, and that's all they -- that's all

19 they do. They don't go into the location and audit

20 the machines. They are just technicians that work

21 -- well, that are contracted by Torch Electronics

22 and that's when they go in and fix the -- like the,

23 you know -- if it need be, go to that location and

24 fix it, with a bill jam or the -- there's the

25 receipt jam.

1 Q Okay.

2 A Yeah.

3 Q So is it that there are some people  
4 who are just technicians, some who are just  
5 auditors, and some who are both, or how does that  
6 -- how does that divide?

7 A Some are just technicians, some are  
8 just auditors, but then some are both.

9 Q Great, that's helpful. And so who  
10 would be responsible, then, for initially  
11 installing a machine at a location?

12 A Our technicians.

13 Q Okay.

14 A Yes.

15 Q And is that a -- as far -- you may  
16 not know. Is that a complicated process? What is  
17 involved in setting up a machine the first time?

18 A I don't know.

19 Q Okay.

20 A Yeah.

21 Q Let's talk about the arrangements  
22 that you then have with the specific locations. So  
23 you mentioned the idea there is a 50/50 split of  
24 the revenue. Is that correct?

25 A Yes.

1           Q       Are there any written agreements that  
2     you have with locations memorializing that division  
3     of -- of revenue?

4           A       I don't know.

5           Q       How is -- how is that agreement  
6     reached with the locations, then, if it's -- if you  
7     don't know if it's in writing. Do you know how, if  
8     these are verbal agreements?

9           A       I don't know.

10          Q       Have you ever seen a contract with a  
11     location relating to the payment of money from a  
12     Torch device?

13          A       I can't remember.

14          Q       Okay. Are there any scenarios where  
15     instead of the location owner paying the player who  
16     wins playing a game, that the payment is instead  
17     made by Torch directly to the player?

18          A       I don't know.

19          Q       Do you recall any circumstances over  
20     the course of your time with Torch where Torch has  
21     made a payment directly to a player?

22          A       I don't know.

23          Q       Okay. Are there -- does Torch own  
24     any payment kiosks that are separate from the  
25     amusement games?

1           A       I don't know.

2           Q       Let me -- I'll try and ask a  
3 different way and you can tell me if it makes sense  
4 and you may still not know.

5                   But we mentioned earlier that players  
6 can take a voucher, go to the counter, and get paid  
7 that way. Does Torch have any locations where  
8 instead of going to a counter to get paid, they  
9 would go to a automated kiosk, insert the voucher,  
10 and be paid by a machine?

11          A       I don't know.

12          Q       Okay. Do you know if Torch offers  
13 any trainings to location owners about how to  
14 manage the machines or operate the machines?

15          A       Yes. It's been -- yes.

16          Q       What do you know about that?

17          A       Well, because when you asked that, I  
18 was thinking, it just went back in my head. Um,  
19 couple months ago we acquired a new company and  
20 gave them training, offered -- gave them training  
21 basically on how everything works. And, um, yeah.

22          Q       You said "gave them training." Are  
23 you referring to the amusement location  
24 proprietors? That's who you gave the training to?

25          A       We gave the training to the -- the

1 business. The convenient store business.

2 Convenient store owners is what I'm trying to say.

3 Q So can we agree those people are your  
4 customers? Is that how you refer to them, or is  
5 there another better way we can agree on to refer  
6 to those locations?

7 A I don't know.

8 Q Well, we just need to pick a word.  
9 Can I call them "the locations"? Is that a fair  
10 way to refer to them?

11 A Sure.

12 Q Okay. So you're saying that you  
13 recently acquired a company and then gave training  
14 to locations about how to operate and use the  
15 machines?

16 MR. CRAIG: Object to form.

17 Q (BY MR. FINNERAN) You may answer.

18 A Can you reword that, please?

19 Q Yes.

20 A Not reword it, repeat it.

21 Q Yeah, I'm going to try to phrase it  
22 in a way so that it's clearer.

23 You mentioned a moment ago that you  
24 acquired a company. What was the name of that  
25 company?

1           A       I don't know.

2           Q       Can you tell me what that company did  
3 or does?

4           A       They have convenient stores. That's  
5 all I know.

6           Q       I guess I'm a little confused.  
7 Sorry, I think I misunderstood what you said  
8 before. So, um, you say the company that Torch  
9 acquired.

10          A       Uh-huh.

11          Q       Owns convenient stores?

12          A       No.

13          Q       No. Okay. What do you mean then  
14 when you say "They have convenient stores"?

15          A       This company has convenient stores.  
16 We don't have convenient stores.

17          Q       Right.

18          A       Torch Electronics doesn't have  
19 convenient stores.

20          Q       When you say "have," you mean Torch  
21 Electronics does not own convenient stores?

22          A       No. No.

23          Q       No, it does not?

24          A       No, it does not.

25          Q       Okay. This other company, though,

1 does own convenient stores?

2 A Yes.

3 Q And then Torch acquired this other  
4 company?

5 MR. CRAIG: Object to form. Just to  
6 be clear, I think "acquired" is the -- you need to  
7 ask her --

8 Q (BY MR. FINNERAN) Okay. What do you  
9 mean by -- and thank you, Aaron.

10 What do you mean by acquired?

11 A If I said "acquired," I'm not sure  
12 why I did, but they basically -- we basically um --

13 Q I don't want to interrupt you but is  
14 it somebody that you hired?

15 A No. Basically Torch --

16 Q Well, tell me what you do now and  
17 we'll see if we can figure it out together.

18 A We basically -- okay, so let's say  
19 there's QuikTrip, let's just say that I'll use as  
20 an example. So Steven was in, you know,  
21 communication with them -- and QT is not the  
22 customer. I'm just using them as an example.

23 Q I understand.

24 A So Steven was in communication with  
25 them and has put machines in their locations now.

1 Q Okay.

2 A Does that make sense?

3 Q Yes. That makes sense.

4 A Okay. That's what I am trying to  
5 say.

6 Q Okay. I totally misunderstood your  
7 earlier testimony.

8 A I'm sorry. I can't imagine what it  
9 sounds like, but...

10 Q I'm sure it's totally my  
11 misunderstanding, so thank you for clarifying it.  
12 And again, one of my goals is that we mutually  
13 understand each other. That's why I'm asking these  
14 questions.

15 A Mm-hmm, understand.

16 Q So thank you for helping to clarify  
17 that. So you're just -- what you're saying is that  
18 there's a recent new set of locations that Torch  
19 has -- has started to work with let's just say?

20 A Mm-hmm.

21 Q And in that scenario, some training  
22 was offered to those -- to those locations?

23 A Correct. Yes, sir.

24 Q Okay. Is that a new thing, or has  
25 that happened historically as well in other



1 situations?

2 A It's happened before, yeah. Yeah,  
3 it's happened before. Sometimes when we, you know,  
4 get a location, it's only like one or two. This --  
5 this one was fairly, you know, good size, so.  
6 Yeah.

7 Q Okay. What was the name of this  
8 location, the new one?

9 A I don't know.

10 Q Okay. What sort of training do you  
11 typically then provide to locations like this?

12 MR. CRAIG: Object to form.

13 Q (BY MR. FINNERAN) Or excuse me, does  
14 the company typically provide to locations like  
15 this?

16 A I don't know.

17 Q Were you present for any of these  
18 trainings?

19 A No.

20 Q How did you hear about these  
21 trainings?

22 A Steven attended.

23 Q Okay.

24 A I mean Steven was in charge of it.

25 Q Okay. Does Torch charge any fee to

1 the proprietors of locations for placing the  
2 devices in their locations?

3 A No.

4 Q I think I know the answer but I'll  
5 just confirm, does Torch lease space in the  
6 locations from any of these owners?

7 A I don't know.

8 Q Okay. How would you describe, then,  
9 the kind of agreement that Torch has with any of  
10 these locations in terms of placing a device there?  
11 Is it a rental agreement? Is it a loan of a  
12 device? How would you describe it?

13 A I don't know.

14 (Simultaneous speaking - inaudible.)

15 MR. FINNERAN: I'd like to mark this  
16 as -- now, we've come up with a strange way to  
17 label these exhibits. We're doing Son M 1 to try  
18 to distinguish you from your husband as we label  
19 these exhibits, so don't be confused by that, but  
20 we'll label this Son M 1 for identification. Copy  
21 for you, Aaron.

22 (Son M Exhibit 1 marked for  
23 identification by the court reporter.)

24 MR. FINNERAN: Thank you.

25 Q (BY MR. FINNERAN) So I've just

1 handed you a copy of what we've marked for  
2 identification as Son M 1. I will make a  
3 representation to you as to what this document is.  
4 This is a list of locations that your attorney and  
5 I worked together to develop.

6 These are locations where either we  
7 agree that Torch and TNT have both had devices at  
8 different points or the same point in time, or  
9 there are a couple examples where I think there may  
10 be a dispute about that, but at least TNT contends  
11 that's the case.

12 So, and I can point those out as we  
13 go if we need to, but I just want you look down the  
14 list that's in front of you and can you tell me if  
15 you're familiar with all the locations on this  
16 list, if any of them look unfamiliar to you?

17 MR. CRAIG: Object to form.

18 A Am I familiar with any of them?

19 Q (BY MR. FINNERAN) Yes.

20 A No.

21 Q Do you not typically deal with any of  
22 the location owners?

23 A No.

24 Q Okay. So you're not familiar with  
25 any of the people on this list then?

1           A       No.

2           Q       Okay. Thank you.

3                   (Simultaneous speaking - inaudible.)

4           MR. CRAIG: Are you at a good  
5 stopping point? I should have went to the restroom  
6 before we started.

7           MR. FINNERAN: Yeah we can take a  
8 short -- it's actually great. I've got to check  
9 off things we talked about, so.

10          MR. CRAIG: Okay. Does that work,  
11 five minutes?

12          MR. FINNERAN: We can take a short  
13 break.

14          THE VIDEOGRAPHER: Off the record at  
15 9:57.

16                   (Off the record.)

17          THE VIDEOGRAPHER: We are back on the  
18 record. This is media unit number two, the time is  
19 10:12.

20          Q       (BY MR. FINNERAN) Okay.

21 Ms. Miltenberger, we're back on the record. First,  
22 any time we take a break, I'll probably ask you if  
23 there's anything you thought of over the break that  
24 you feel you need to clarify or correct in your  
25 prior testimony. So anything of that sort?

1           A       I don't think so. Thank you.

2           Q       Okay. I'm probably going to ask you  
3 what may seem like a series of random questions  
4 just because there were things we kind of skipped  
5 over as we were talking and so they may not seem  
6 like they're connected. If you get disoriented,  
7 just ask for a clarification.

8                   So we talked about your  
9 responsibilities at Torch. Can you describe your  
10 husband's responsibilities and what he does?

11          A       Um, it's a lot. Um, I would say  
12 basic, you know, he's on the phone with, you know,  
13 either customers or contractors or attorneys and  
14 that, I mean, he's constantly, I mean, it's 7:00 to  
15 -- AM to 10:00, 11:00 at night. And customers also  
16 meaning the customers that are in the store. And  
17 our customers that we have machines with.

18          Q       So you're saying he communicates both  
19 with proprietors of locations and players of games.  
20 Is that what you mean?

21          A       The players of the games, no, they  
22 like to call him, but that's kind of someone  
23 else's, you know, to do and take care of that. But  
24 I'm kinda confused about the proprietor part you  
25 said first.

1           Q       When I say proprietor, I just mean  
2       the person who operates a location --

3           A       Oh, okay.

4           Q       -- wherever you have it and --

5           A       And he does. He does, yes. He has  
6       talked to those locations, yes.

7           Q       Would you say that he's principally  
8       responsible for marketing Torch's products to new  
9       locations?

10                  MR. CRAIG: Object to form.

11           Q       (BY MR. FINNERAN) You may answer.

12           A       The marketing I mean, yes.

13           Q       Would you say that he's principally  
14       responsible for managing the relationships with any  
15       of the locations where you have devices?

16           A       Yes. Of course.

17           Q       What role, if any, does he have with  
18       respect to collections?

19           A       Well, that's where the auditors came  
20       in that we talked about earlier. I mean, they  
21       deposit the money. So, I mean, basically it's just  
22       seeing it on the bank statement basically, and then  
23       we kinda reconcile from that. But he doesn't  
24       really have the hands-on in the -- the cash, you  
25       know, because we have those people that -- that are

1 contractors for us.

2 Q Okay. Is -- does Mr. Miltenberger  
3 take a salary from Torch?

4 A Yes.

5 Q Do you know what his salary is?

6 A Yes. It's 5,000 a week.

7 Q Okay. Does he have any people who  
8 directly report to him?

9 A Yes. He has a -- he has a few, a  
10 couple main guys and then they -- and then the  
11 other people that are contractors for us, they  
12 report to those guys.

13 Q Okay. And who are the main guys  
14 you're referring to?

15 A I don't know.

16 Q Okay. But you know there are two of  
17 them?

18 A Mm-hmm.

19 MR. CRAIG: Is that a yes?

20 Q (BY MR. FINNERAN) Sorry, was that a  
21 yes?

22 A Yes.

23 Q You don't know either of their names?

24 A No.

25 Q Do you know their first names?

1           A       No.

2           Q       Okay. When you say that they report  
3 to Mr. Miltenberger, how do they interact, to your  
4 knowledge?

5           A       Um, can you rephrase that?

6           Q       Well, you said that they report to  
7 him. I'm asking what you mean by that. What do  
8 you mean by they report to him?

9           A       Basically like, you know, what's  
10 going on with the, you know, the other auditors  
11 that are below them and, um, and just kind of, you  
12 know, if they need assistance on something, or  
13 whatever it may be.

14          Q       So then would it not be typical for  
15 Mr. Miltenberger to communicate with the auditors  
16 that report to these two gentlemen directly but  
17 instead to communicate with these two gentlemen  
18 directly?

19          A       That --

20                   MR. CRAIG: Object to form.

21          A       That's the point, but it doesn't  
22 happen that way all the time.

23          Q       (BY MR. FINNERAN) So there are  
24 exceptions where an auditor would be speaking with  
25 Mr. Miltenberger directly?



1           A       Yes.

2           Q       Okay. Does Mr. Miltenberger receive  
3 any commissions?

4           A       No.

5           Q       Does he receive any bonuses?

6           A       No.

7           Q       Is there any employee or independent  
8 contractor of Torch who receives a commission?

9           A       No.

10          Q       Does Torch have any parent company?  
11 Is it owned by any other company?

12          A       No.

13          Q       Does it own any companies?

14          A       No.

15          Q       Does it have any subsidiaries?

16          A       No.

17          Q       Are there any other companies that  
18 are affiliated with Torch Electronics in some other  
19 way?

20          A       No.

21          Q       Okay. I've seen an understanding  
22 that there may be more an one Torch Electronics.  
23 There may be a Torch Electronics that's  
24 incorporated in Missouri, or that's an LLC in  
25 Missouri, and then a Torch Electronics elsewhere.

1 Do you have any information about that?

2 A I didn't even -- cross my mind. I'm  
3 in Missouri. Didn't even think about it. But yes,  
4 Torch Electronics, Tennessee, yes.

5 Q And that's a separate corporation  
6 from Torch Electronics, LLC, that's based in  
7 Missouri?

8 A Yes. It has a different federal ID,  
9 yes.

10 Q Okay. And is there any -- does  
11 Mr. Miltenberger also own the Tennessee  
12 corporation?

13 A Yes.

14 Q Do you have any ownership interest in  
15 that corporation?

16 A No.

17 Q Is it a corporation or an LLC, or  
18 some other -- some other kind of corporate  
19 structure?

20 A It's an LLC.

21 Q Okay. You keep the accounting for  
22 Torch Electronics, the Missouri company. Do you  
23 keep the accounting for Torch Electronics, the  
24 Tennessee company?

25 A Yes.

1 Q You said they have different tax IDs?

2 A Yes.

3 Q Do you combine financials for the two  
4 companies, or do you have separate financials?

5 A I don't take care of that part.  
6 Wolff and Taylor does.

7 Q Okay. Do you happen to know whether  
8 Wolff and Taylor prepares joint or separate  
9 financials for the two companies?

10 A Separate financials, yes.

11 Q Okay. We talked a little bit about  
12 the auditors. What, if any, qualifications do  
13 auditors typically have when they enter the job?

14 A Um, most of our auditors -- most of  
15 our auditors are retired policemen. So they have  
16 that, um, what do you call it, um -- that's  
17 basically it. I mean far as doing the audit work,  
18 there's, you know -- like they're -- they're shown,  
19 they're trained on it, so.

20 Q Okay. What about the technicians?  
21 Do the technicians have any qualifications or  
22 training before they start the job?

23 A No. Some might be retired, younger  
24 policemen, or they were policemen, or they worked  
25 on the SWAT Team, but that's -- but that's it.

1           Q       Okay. Is there any reason that Torch  
2 tends to recruit former police officers?

3           A       No, they just want to work for  
4 Steven. Basically it just happens to be that way.  
5 Some are not. Some are, you know, just done with  
6 their job or whatever, but the policemen is kind of  
7 a safety thing when they go into locations and, I  
8 mean, you're pulling cash out of a machine in North  
9 County, so yeah.

10          Q       Mm-hmm. Do you -- does Torch have  
11 independent contractor relationships with any  
12 current police officers, or only former police  
13 officers?

14          A       Can you repeat that?

15          Q       Does Torch have any independent  
16 contractor relationships with any current police  
17 officers, or only retired or former police  
18 officers?

19          A       I don't know.

20          Q       Okay. We talked earlier about the  
21 nature of the agreements that Torch Electronics  
22 might have with proprietors of amusement locations,  
23 and you told me that there's this 50/50 split  
24 agreement.

25                   Are there any circumstances you're

1 aware of where there had been disputes with  
2 amusement location owners about the split?

3 A No.

4 Q Okay. Are you aware of any records  
5 that are kept by amusement location owners or  
6 managers to reflect the amount of money paid out to  
7 -- to Torch -- to players of the Torch machines?

8 A No.

9 Q Are you aware of whether there is any  
10 reporting to the Internal Revenue Service, either  
11 by Torch or by those proprietors, regarding  
12 payouts?

13 A Can you repeat that, please?

14 Q Yeah, well, maybe we'll break it into  
15 two. Are you aware of any reporting by Torch to  
16 the Internal Revenue Service about payouts to  
17 players of the machines?

18 A I don't know.

19 Q Are you aware of any reporting by any  
20 of the amusement location owners or managers to the  
21 Internal Revenue Service about payouts from the  
22 machines?

23 A I don't know.

24 Q Okay. Are you aware of the  
25 requirement to provide a 1099 or other form to

1     somebody who receives more than \$600 from a  
2     business in the course of a calendar year?

3             A       I don't know.

4             Q       You're not -- are you not aware of  
5     that?

6             A       No.

7             Q       Okay. Do you know if Torch has ever  
8     issued a 1099 to a player?

9             A       No. I mean, no, they haven't. Yeah.

10            Q       Okay. Do you know if Torch has ever  
11    issued a 1099 misc, an M-I-S-C, to a player?

12            A       No.

13            Q       You don't know, or they have not?

14            A       They have not.

15            Q       Okay. Do you know if Torch -- and  
16    I'll stop with the do you know because that gets  
17    confusing. I'll just say has Torch ever issued a  
18    W-2 to a player?

19            A       No.

20            Q       Has Torch ever issued a W-2G to a  
21    player?

22            A       No.

23            Q       Has Torch ever issued a W-9 to a  
24    player?

25            A       To a player, no.

1           Q       Okay.  There's also a new one  
2       apparently called the 1099 NEC.  Has Torch ever  
3       issued such a form to a -- to a player?

4           A       I know what you're talking about.  
5       No.

6           Q       Okay.  Has Torch issued any of the  
7       forms that I've just mentioned to any amusement  
8       location owners or operators?

9           A       I don't know.

10          Q       Is that something that you typically  
11       would have handled, or would that be handled by  
12       your outside accounting firm if such tax forms had  
13       to be issued?

14          A       Outside accounting firm.

15          Q       Okay.  I warned you I was going to  
16       jump around a little bit.  Do you know who Grover  
17       Gaming is?

18          A       Yes.  They are basically affiliated  
19       with Banilla.  Don't ask me how, but I think that  
20       they do maybe the part of the machine that Banilla  
21       doesn't do and they do the basic cabinets and then  
22       Grover does the -- and I'm probably wrong on this  
23       but, of course, Steven will know.

24          Q       Yeah.

25          A       But that's all I really know about

1 Grover. Yeah.

2 Q Okay. We talked earlier about how  
3 Torch does not, from your understanding, employ any  
4 independent contractors to do any marketing work.  
5 How does Torch accomplish any marketing, if any?  
6 What marketing does Torch do? Let me ask that.

7 MR. CRAIG: Objection, form.

8 Q (BY MR. FINNERAN) What, if any,  
9 marketing does Torch do?

10 MR. CRAIG: Same objection. To the  
11 extent you know based on your personal knowledge.

12 A I don't know.

13 Q (BY MR. FINNERAN) Okay. Do you have  
14 an understanding of approximately how many Torch  
15 devices there are in the State of Missouri?

16 A No.

17 Q Do you have a rough sense?

18 A No.

19 Q Do you believe it's more than ten?

20 A Yeah.

21 Q Okay. Do you believe it's more than  
22 a hundred?

23 A I don't know. I really don't. Yeah.

24 Q Okay. Okay. Um, I'm going to mark  
25 another exhibit for identification. This is going



1 to be Son M 2. I'm not sure why we have it stapled  
2 together. Break it apart. It's two copies of the  
3 same thing.

4 (Son M Exhibit 2 marked for  
5 identification by the court reporter.)

6 Q (BY MR. FINNERAN) Do you recognize  
7 the document I've just put in front of you?

8 A Yes.

9 Q What is it?

10 A Um, pretty much explains itself but,  
11 um, I don't really know much about it. I mean it's  
12 just basically just, you know, telling the customer  
13 about the machine, so. That's all I can say. I --  
14 I don't know any more.

15 Q Do you understand this is a sticker  
16 that is affixed to a Torch device? Is that where  
17 you've seen it before?

18 A Yes.

19 Q Okay. Are you aware of whether the  
20 language of these stickers has changed over time?

21 A No.

22 Q You don't know one way or the other  
23 or you --

24 A I don't know that it's changed over  
25 time.

1 Q Okay. Do you believe it has changed?

2 A No. I do not believe it's changed.

3 Q Okay. Did you have any role in  
4 drafting any of this language on this decal?

5 A I do not. I did not.

6 Q Did you have any role in reviewing  
7 the language on this decal at any point?

8 A No, I did not.

9 Q Okay. Can you, just in your own  
10 words, explain to me what you understand the  
11 purpose of this decal to be?

12 MR. CRAIG: Object to form, calls for  
13 expert testimony, speculation. You can answer.

14 Q (BY MR. FINNERAN) You may answer if  
15 you know.

16 A I don't know.

17 Q Okay. Do you know who created the  
18 language on this decal?

19 A No.

20 Q Do you know when this decal was  
21 created?

22 A The beginning of the LLC, or  
23 beginning of Torch Electronics-Missouri.

24 Q So -- yes. So in and around what  
25 time, what year would that be?

1           A       '15, '16?

2           Q       Okay.

3           A       2015, 2016, I should say. Sorry.

4           Q       Have you -- have you read a sticker  
5 like this before?

6                   MR. CRAIG: Object to form.

7           A       No, I -- no.

8           Q       (BY MR. FINNERAN) You said you --

9           A       Huh?

10          Q       You said you've seen a sticker like  
11 this before?

12          A       No, I mean I haven't really looked  
13 for a sticker like this before, but I don't have a  
14 -- no.

15          Q       Maybe I'll just ask then. You said  
16 you did recognize the document. Where do you  
17 recognize it from?

18          A       Because it's our document. It's  
19 Torch Electronics document. I shouldn't say our,  
20 but yeah, it's Torch Electronics document.

21          Q       Right. So under what circumstances  
22 did you see this document previously?

23          A       Because we put them on the machines.  
24 I don't put them on the machines but our  
25 contractors put on them -- put them on the machines

1 and it's basically, I mean like it says, it's a  
2 disclaimer, so.

3 Q Okay. We may come back to it but  
4 I'll stop there for now, given your answers. I'm  
5 also going to show you then what I'd like to mark  
6 as document Son M 3. Sorry, here you go. She'll  
7 hand you the marked one in a moment.

8 (Son M Exhibit 3 marked for  
9 identification by the court reporter.)

10 Q (BY MR. FINNERAN) And so I'll just  
11 ask you to look at the first page of this document.  
12 Do you recognize anything on the first page of this  
13 document?

14 A Can you rephrase that? Or --  
15 MR. CRAIG: Could you tell her what  
16 --

17 A What do you mean recognize?  
18 MR. CRAIG: -- tell her what it is,  
19 identify it?

20 Q (BY MR. FINNERAN) Sure. Yeah, um,  
21 sure. So for the record, this is an excerpt of a  
22 -- we've taken a portion of Torch's website and  
23 we've put it onto this document, and so I'm asking  
24 you if you've seen that portion of the document  
25 that is in front of you before.

1           A       Yeah, I've seen it, but I mean, I  
2       didn't see it like yesterday or two weeks ago. I  
3       mean. This is off the website?

4           Q       Yes.

5           A       Hmm.

6           Q       And then it -- perhaps actually it  
7       looks like we got this stapled incorrectly. Could  
8       you pull the last page off of it and then we'll  
9       mark that as a separate document. We'll do this as  
10      Son M 4.

11                       (Son M Exhibit 4 marked for  
12      identification by the court reporter.)

13          Q       (BY MR. FINNERAN) And this is a  
14      different portion of the same website at a  
15      different time, is Son M 4. So you have both of  
16      them in front of you?

17          A       Okay.

18          Q       Are you familiar with the idea that  
19      the Torch website was changed at some point?

20          A       No.

21          Q       Did you have any involvement in  
22      making any changes to Torch's website at any point?

23          A       No.

24          Q       What, if any, involvement do you have  
25      with Torch's website?

1           A       I don't have any, yeah.

2           Q       Okay. Do you pay invoices to anybody  
3 who updates Torch's website?

4           A       I'm sure I do, but I don't know -- I  
5 don't know as far as it goes. I just do the -- you  
6 know, just pay it and just go, so yeah.

7           Q       Okay, you answered the questions.  
8 That's all I had to ask you about that.

9           A       Okay. On both?

10          Q       Yeah. You can put it aside for the  
11 moment.

12          A       Okay. Okay. I'll give them to her.

13          Q       Do you know if Mr. Miltenberger has  
14 been involved in modifying language on the website?

15          A       No.

16          Q       You don't know?

17          A       I don't know. I mean, no. I -- no.

18          Q       Okay. Do you know if Mr.  
19 Miltenberger has been involved in creating the  
20 language that's on Son M 2?

21          A       No.

22          Q       You don't know?

23          A       No, I'm saying, yeah, I -- no.

24          Q       Sorry. You believe he has not, or  
25 you don't know whether he has?

1           A       I believe he has not.

2           Q       Had involvement in creating this  
3 language?

4           A       No. Correct.

5           Q       Okay.

6           A       Sorry.

7           Q       That's okay. Is the decision, to  
8 your knowledge, to place this sticker on Torch  
9 devices, is that one that is made by Torch, or by  
10 the amusement locations themselves?

11                   MR. CRAIG: Object to form. To the  
12 extent you know, you can answer.

13          A       It's by Torch. Yeah.

14          Q       (BY MR. FINNERAN) Okay. Did that.  
15 What sort of communication, if any, do you have  
16 with the people at Banilla?

17          A       Just invoicing. Just the bills.

18          Q       Would you be the one placing an order  
19 for a Torch device?

20          A       No.

21          Q       Would you only be the one then paying  
22 the bill?

23          A       Paying the bill.

24          Q       Okay. We talked earlier about Grover  
25 Gaming. Would you have occasion to interface with

1 the people at Grover Gaming?

2 A No, because they do their billing  
3 through Banilla and then Banilla bills us if it  
4 need be, so.

5 Q Okay. And I think you may have  
6 answered this already, so forgive me, but do you  
7 have communication ever with amusement location  
8 operators and managers?

9 A No.

10 Q And do you ever have communication  
11 with players of the devices?

12 A No.

13 Q Have you ever played the devices  
14 yourself?

15 A No.

16 Q No?

17 A Hmm-mm.

18 Q Have you seen them played?

19 A Um, yeah. Yeah, if I go into a  
20 convenient store and go to the bathroom, yeah,  
21 that's really it.

22 Q In other words, you've seen other  
23 players playing them from afar?

24 A Yes.

25 Q Have you ever sort of sat next to



1       somebody while they played the machines?

2               A       No.

3               Q       Okay. Can you give me just your  
4       description of how the machines work, to your  
5       understanding?

6               A       I don't know.

7               Q       Okay. Are you familiar with the term  
8       "no chance" game?

9               A       Yes.

10              Q       Okay. Part of what we're all here to  
11      talk about is whether these documents are -- excuse  
12      me, these devices are no chance games or not, but I  
13      want to make sure I'm understanding is whether  
14      there are other kinds of devices that Torch puts  
15      out that are not those what you call no chance  
16      games.

17                      So is it fair to say that, to your  
18      knowledge, all of the devices that Torch places in  
19      any location in Missouri are what you refer to as,  
20      quote, "no chance" games?

21              A       Correct.

22              Q       Okay. So, for example, you don't  
23      place any other kind of amusement device any  
24      locations?

25              A       No.

1 Q No pool tables?

2 A No.

3 Q No Big Buck Hunter?

4 A No. I'm sorry, it's funny, but no.

5 Q No pinball machines?

6 A No.

7 Q Okay. So is it fair to say that all  
8 the devices that Torch places in locations in  
9 Missouri are electronic game machines that have an  
10 entertaining display in which a player can insert  
11 money and potentially win money in return?

12 MR. CRAIG: Object to form.

13 A Correct.

14 Q (BY MR. FINNERAN) Okay. I'm  
15 suspecting that some of the answers I'm going to  
16 ask you next -- the questions I ask you next may be  
17 outside your knowledge, but I just need to ask so I  
18 can be sure of that.

19 A I understand.

20 Q Okay. So are you familiar with the  
21 different models or versions of the Torch devices?

22 A No.

23 Q I'm going to read something off --

24 MR. CRAIG: I'm sorry, was that a no?

25 THE WITNESS: That was a no, yes.

1           Q       (BY MR. FINNERAN) I'm going to make  
2       sure of that by saying have you heard of something  
3       called NCG deluxe terminal version 5.5.0.17?

4           A       No.

5           Q       Is it fair to say that if I read four  
6       other model numbers to you, you would give the same  
7       answer?

8           A       Yes.

9           Q       Okay.

10          A       That would be correct.

11          Q       Fair enough. Then I will get past  
12       some of that for you. Is it also fair to say that  
13       if I were to ask you if you can tell me how many  
14       of any particular model number of device Torch has  
15       in Missouri, you would not be able to answer that  
16       question?

17          A       I cannot answer that.

18          Q       Okay. Fair enough. Okay. To your  
19       knowledge, do all of the devices that Torch places  
20       at locations in Missouri have a prize viewer  
21       feature?

22          A       I don't know.

23          Q       Do you know what a prize viewer  
24       feature is?

25          A       I don't know what it is but Steven --

1 I've heard Steven talk about it, but that's --  
2 that's really it.

3 Q Okay.

4 A That, I don't really know any more  
5 about it.

6 Q Okay. Are you aware of the fact that  
7 at least some Torch devices give the player the  
8 ability to view the outcome of the next game before  
9 they hit the Play button on the game?

10 A Yes, I'm aware of that.

11 Q Okay. Are you familiar with -- to  
12 your understanding, is that feature called a prize  
13 viewer, that ability?

14 A I believe so.

15 Q Okay. And to your knowledge, do the  
16 games that Torch has in Missouri all have a feature  
17 like that?

18 A I don't know.

19 Q Okay. Are you aware with the --  
20 excuse me. Are you familiar with the idea that  
21 Torch devices, at least some Torch devices, have  
22 outcomes that are dictated from a predetermined  
23 finite pool of sequentially ordered outcomes?

24 MR. CRAIG: Object to form. Calls  
25 for expert testimony.

1           A       I don't.

2           Q       (BY MR. FINNERAN) Are you aware of  
3       hearing of such a thing?

4           A       I don't know.

5           Q       Okay. Do you have any understanding  
6       of to what degree THE element of chance exists in  
7       any Torch device?

8                   MR. CRAIG: Object to form.

9           A       I don't know.

10          Q       (BY MR. FINNERAN) Okay. To your  
11       understanding, is there anything that a player of a  
12       Torch device can do to affect whether the next turn  
13       of the game will be a winner or a loser?

14                   MR. CRAIG: Object to form.

15          A       I don't know.

16          Q       (BY MR. FINNERAN) Okay. Maybe tell  
17       me what you do know about the way these devices  
18       operate. From your perspective and your knowledge,  
19       how -- how do the Torch devices work?

20          A       Um, I mentioned earlier they print  
21       the tickets and, you know, they have the cash in  
22       the little cash bin. I really don't know. I mean  
23       I just -- I just take care of what needs to be on  
24       the, you know -- helping him run the business and  
25       as far as accounting and stuff and payroll stuff.

1 I don't get involved with the games.

2 Q Okay. I believe you, but I got to  
3 ask the questions, so.

4 A I understand.

5 Q Is it fair to say that, to your  
6 knowledge, each of the Torch devices accepts cash  
7 as a payment from a player?

8 A I don't --

9 MR. CRAIG: Object to form.

10 A I don't know.

11 Q (BY MR. FINNERAN) Do Torch devices  
12 generally have bill acceptors?

13 A Yeah. Yeah.

14 Q Okay.

15 A I mean -- I don't want to say yeah,  
16 but I don't know 100 percent.

17 Q Okay.

18 A To be honest.

19 Q Do you know if there are any Torch  
20 devices that accept payments in any other way other  
21 than cash payments?

22 A No. No.

23 Q Sorry, you don't know? Or you --

24 A I don't know.

25 Q You don't know.

1           A       Yeah.

2           Q       All right. You're going to save us a  
3 lot of time by not knowing some of this stuff, so  
4 we'll get through this a lot faster.

5                   Are you aware of any testing that  
6 Torch has had ordered of the devices to evaluate  
7 whether they comply with -- with Missouri law?

8           A       Um, I am aware of the testing, yes.  
9 But that's as far as it goes.

10          Q       Okay.

11          A       I do know about the testing, though.

12          Q       Do you know who has performed the  
13 testing?

14          A       It's Banilla usually, and then, you  
15 know, of course, we'll try it when it gets here to  
16 St. Louis and...

17          Q       Okay.

18          A       I don't know who does it. Steven  
19 does it some of the time, some of his guys do it.  
20 You know, it's just -- it's kinda all over.

21          Q       Okay. Do you know what the testing  
22 involves?

23          A       No.

24          Q       Okay. Are you familiar with a person  
25 by the name of Nick Farley?

1           A       No.

2           Q       Are you familiar with a company  
3       called Nick Farley & Associates?

4           A       No.

5           Q       Okay. Are you aware of any  
6       circumstances where Torch has requested a  
7       modification to a Banilla device?

8           A       Can you --

9                   MR. CRAIG: Object to the form.

10          Q       (BY MR. FINNERAN) Have you -- yes, I  
11       will repeat the question. Are you aware of any  
12       circumstance where Torch has requested a  
13       modification to a Banilla device?

14                   MR. CRAIG: Object to form.

15          Q       (BY MR. FINNERAN) You may answer.

16          A       I don't know.

17          Q       Okay. Are you aware of the fact that  
18       on some Torch devices a player can choose from six  
19       different games to play?

20                   MR. CRAIG: Object to form.

21          Q       (BY MR. FINNERAN) You may answer.

22          A       I mean, yeah, but that's all I know  
23       about it.

24          Q       Okay. Is it fair to say then -- I  
25       have to ask -- is it fair to say that you would not



1 have an understanding of how the first outcome of a  
2 game is selected once the player chooses any  
3 particular game?

4 A No.

5 Q You don't have --

6 A I don't know. Sorry.

7 Q Okay. And just to -- to make it a  
8 little easier on us and the record, if you, rather  
9 than just saying "yes" or "no," say "no, I don't;  
10 yes, I do." Give us a full little sentence there.

11 A Okay.

12 Q That way we know exactly what you  
13 meant to say, and we don't have a situation where I  
14 ask a question with a not and you say no and we  
15 thought you meant yes. Do you understand what I'm  
16 saying?

17 A Yes, I understand.

18 Q Okay. Are you aware of the rate at  
19 which Torch devices are programmed to pay out?

20 A No, I don't.

21 Q Are you aware of the fact that there  
22 is a menu in the Torch devices that allows the  
23 operator to choose high, medium, or low as the  
24 payout amounts?

25 A No, I --

1 MR. CRAIG: Object to form.

2 A I don't know.

3 Q (BY MR. FINNERAN) Okay. Are you  
4 aware of how frequently Torch devices are  
5 programmed to pay out?

6 A No.

7 Q Are you aware if the Torch devices  
8 have any maximum amount they can pay out?

9 A No.

10 Q Are you aware of the percentage  
11 return that Torch devices generally produce?

12 A No. I mean, I think I know, but I  
13 really don't know.

14 Q Do you have a rough sense?

15 A No.

16 Q Let's just say there is a machine  
17 that over the course of its life has had \$50,000  
18 inserted into it by players. Do you have a sense  
19 of how much of that money would be -- would be  
20 given back to players in terms of payouts?

21 MR. CRAIG: Object to form, calls for  
22 speculation.

23 A No. I don't know.

24 Q (BY MR. FINNERAN) Okay. So we're  
25 going to do a sort of possibly rapid fire here

1     where I'm going to show you some things that you  
2     may have seen before and if the answer is "I've  
3     never seen this before," that's fine.

4             A       Oh, okay. That'll be fun.

5             Q       But that's -- in other cases what I'm  
6     likely to do is ask you if you have seen it, and if  
7     you have seen it, when you recall seeing it.

8             A       Okay.

9             Q       Okay?

10            MR. FINNERAN: So we'll mark Son M 5.

11                    (Son M Exhibit 5 marked for  
12     identification by the court reporter.)

13            Q       (BY MR. FINNERAN) I gave you the one  
14     I already marked.

15            MR. CRAIG: That's fine.

16            Q       (BY MR. FINNERAN) Is this a document  
17     that you've seen before?

18            A       No. 2019.

19            Q       Okay. If you would, it's not a very  
20     long letter, if you'd take a moment just to read  
21     the last paragraph in that letter silently to  
22     yourself and I'll --

23            A       This one?

24            Q       Excuse me, sorry, on the first page  
25     of the letter.

1           A       Oh, okay.

2           Q       My fault.  Forgot it was two pages.  
3   If you'd like to read the last paragraph and then  
4   just let me know when you're finished reading it to  
5   yourself?

6           A       This one; right?

7           Q       The last one, yes.

8           A       Okay.

9           Q       Yes.  And I'm sorry, I should have  
10  asked you but can you read the short paragraph  
11  right above the one you just read to yourself as  
12  well, and then I'll ask you a question.

13                   Okay?

14          A       Okay.

15          Q       So you just told me a moment ago you  
16  don't recall seeing this letter.  Having read it  
17  now, is that still your testimony?

18                   MR. CRAIG:  Object to form.  She  
19  didn't actually read the whole letter.  You  
20  directed her to two paragraphs.

21                   MR. FINNERAN:  Fair enough.

22          Q       (BY MR. FINNERAN)  Having read the  
23  two paragraphs that I asked you to read, does that  
24  refresh your recollection as to whether you've seen  
25  this document before or not?

1           A       No, I have not seen this letter.

2           Q       Okay. Do you have a recollection of  
3       hearing about a letter of this sort from the  
4       Missouri Gaming Commission?

5           A       No.

6           Q       Do you have any recollection in this  
7       time frame -- you can see the date of the letter is  
8       July 3, 2019 -- of any discussions between and you  
9       Mr. Miltenberger or others about a letter from the  
10      Missouri Gaming Commission?

11          A       No.

12          Q       Okay. As I said, that may be the  
13      answer for many of these things, but we've got to  
14      run through them, so.

15                   MR. FINNERAN: I will mark this one  
16      as Son M 6.

17                   (Son M Exhibit 6 marked for  
18      identification by the court reporter.)

19          Q       (BY MR. FINNERAN) Oh. They're all  
20      clipped together. Hand it back. I'm going to have  
21      to break it out. It's going to be a big mess. All  
22      right. I didn't think it was this long. It is not  
23      this long. It's one page. So there's the correct  
24      one page and if you want to collate these while  
25      we're getting that together.

1 MS. WARREN: Yes.

2 MR. FINNERAN: Okay. And now I've  
3 lost -- did you have a copy?

4 MR. CRAIG: I did, but I gave it back  
5 to you.

6 MR. FINNERAN: Take that one. I'll  
7 get another one. Okay.

8 Q (BY MR. FINNERAN) Ms. Miltenberger,  
9 take a moment to familiarize yourself with this  
10 document. I will tell you it is a Probable Cause  
11 Statement relating to a charge of possession of a  
12 gambling device against a James Robert McNutt and  
13 there's a date on here somewhere --

14 A 10/5/2020.

15 Q 10/5/2020 at the top. Yes. Do you  
16 recognize this document?

17 A No.

18 Q Do you -- have you seen this document  
19 before?

20 A No.

21 Q Do you have any recollection of  
22 hearing about a charge brought against Mr. McNutt  
23 for possession of a gambling device in and around  
24 October 2020?

25 A No.

1           Q       Okay. All right.

2                   MR. FINNERAN: This will be Son M 7.

3                   (Son M Exhibit 7 marked for  
4 identification by the court reporter.)

5           Q       (BY MR. FINNERAN) No wait. Only the  
6 first page. And then the next one will be --

7                   MR. CRAIG: Can I just hold on to  
8 them?

9                   MR. FINNERAN: Yeah, if you want to,  
10 that's fine.

11                  MR. CRAIG: It'll be 8; right?

12                  MR. FINNERAN: And I think this is  
13 right, but just try and make sure that's correct.  
14 Okay.

15           Q       (BY MR. FINNERAN) Ms. Miltenberger,  
16 do you recognize Son M 7?

17           A       No.

18           Q       This is a Information in a  
19 Misdemeanor Case against James McNutt. Is it fair  
20 to say you have not seen this document before?

21           A       I have not seen this document before.

22           Q       Do you have recollection of hearing  
23 about a pair of misdemeanor possession charges  
24 brought against James McNutt in and around October  
25 of 2020?

1           A       No, I have not.

2           Q       Okay.

3                   MR. FINNERAN: Is this exhibit  
4 actually the exhibit to this? This is one --  
5                   (Simultaneous speaking - inaudible.)

6                   MR. FINNERAN: Okay. Aaron, it's  
7 just this page is Son M 8, so you got to split it  
8 apart again.

9                   (Son M Exhibit 8 marked for  
10 identification by the court reporter.)

11           Q       (BY MR. FINNERAN) Um, this is a  
12 Petition for Forfeiture against Torch Electronics,  
13 Steven Miltenberger and Two Gambling Devices  
14 pursuant to Missouri Revised Statute Section  
15 513.660.

16                   Ms. Miltenberger, do you recognize  
17 this document?

18           A       No.

19           Q       Have you seen it before?

20           A       No.

21           Q       Do you have any recollection of  
22 hearing about a forfeiture action brought against  
23 your husband, Torch Electronics, and Two Gambling  
24 Devices in and around March 2021?

25           A       Yeah, but that's -- I've heard about



1     it, but that's all I know.

2             Q       You've heard that -- what have you  
3     heard about it?

4             A       I'm sorry, I heard about my husband  
5     with the -- you know, with the Two Gambling Devices  
6     and the Platte County Prosecuting Attorney's  
7     Office, and that's all I've heard.

8             Q       That's all you've heard?

9             A       Yes.

10            Q       Okay. Do you recall when you heard  
11   about it?

12            A       I can't remember.

13            Q       Would it have been in and around the  
14   time that it occurred in --

15            A       Yeah --

16            Q       -- March 25 of 2021, or thereabouts?

17            A       Yes. Yeah.

18            Q       Okay.

19                    MR. FINNERAN: All right. The next  
20   document we'll mark as Son M 9.

21                    MR. CRAIG: Is that this one?

22                    MR. FINNERAN: Yeah.

23                    MR. CRAIG: Front and back?

24                    MR. FINNERAN: Front and back, yeah.

25                    MR. CRAIG: Okay.

1                   (Son M Exhibit 9 marked for  
2                   identification by the court reporter.)

3                   Q       (BY MR. FINNERAN) Flip over to the  
4                   back, this is Investigative Subpoena to Torch  
5                   Electronics. It is dated July 16, 2021, is the  
6                   date for the return, and it is witnessed on June  
7                   14, 2021.

8                   Ms. Miltenberger, do you have any  
9                   familiarity with this document?

10                  A       No.

11                  Q       Do you recall hearing of a subpoena  
12                  to Torch Electronics in and around June of 2021?

13                  A       No.

14                  Q       Okay. All right. I'm sorry to keep  
15                  having to do these but we'll -- I'm doing them as  
16                  quick as we can.

17                  A       No worries.

18                  Q       This is Son M 10.

19                         (Son M Exhibit 10 marked for  
20                         identification by the court reporter.)

21                  Q       (BY MR. FINNERAN) What I've handed  
22                  you is a copy of a Decision rendered on March 24,  
23                  2020, in the Court of Appeals of Ohio, the Tenth  
24                  Appellate District, Case is Mayle Bingo Company, et  
25                  al., versus Ohio Department of Public Safety, et

1 al.

2 Ms. Miltenberger, are you familiar at  
3 all with this decision?

4 A No.

5 Q Do you recall ever learning of a  
6 decision in Ohio relating to no chance gaming  
7 devices?

8 A No.

9 Q Okay. This next one will be Son M  
10 11.

11 (Son M Exhibit 11 marked for  
12 identification by the court reporter.)

13 Q (BY MR. FINNERAN) Ms. Miltenberger,  
14 what I've handed to you now is a copy of a Decision  
15 decided on March 13, 2020, by the Commonwealth  
16 Court of Pennsylvania, it is Gracie Technologies,  
17 Incorporated, versus Commonwealth of Pennsylvania.

18 Do you have any recollection of  
19 hearing about this case?

20 A No. I -- I probably shouldn't ask  
21 this, but what does this have to do with Torch?

22 MR. CRAIG: Don't, don't, don't. He  
23 gets to ask the questions; you get to answer them.  
24 The sooner we can do that, the faster we're out of  
25 here.

1 THE WITNESS: Okay. Sorry.

2 MR. FINNERAN: Absolutely.

3 Q (BY MR. FINNERAN) But what's the  
4 answer to my question; do you have any familiarity  
5 with this decision?

6 A I do not, no.

7 Q Okay. Fair to say you've never seen  
8 this decision before?

9 A No.

10 Q Okay.

11 (Son M Exhibit 12 marked for  
12 identification by the court reporter.)

13 Q (BY MR. FINNERAN) This is a Decision  
14 in the Supreme Court of North Carolina, Gift  
15 Surplus versus State of North Carolina, filed  
16 February 11, 2022.

17 Ms. Miltenberger, are you familiar at  
18 all with this decision?

19 A No.

20 Q Fair to say that you've never heard  
21 of a decision in North Carolina relating to no  
22 chance gaming devices?

23 A No.

24 Q Okay. Thank you.

25 A You're welcome.

1           Q       All right. So I've just shown you a  
2 number of things that you said you weren't aware  
3 of, which I credit and believe. Are you aware of  
4 any other legal actions relating to Torch that we  
5 did not just go over?

6           A       No.

7           Q       Are you aware of a case that Torch  
8 brought in Cole County, Missouri, against various  
9 agencies of the Missouri government?

10          A       No.

11          Q       Okay. Are you aware of any other  
12 inquiries by law enforcement relating to any Torch  
13 devices other than the ones that we've just  
14 discussed?

15                   MR. CRAIG: Object to form. You can  
16 answer.

17          A       No.

18          Q       (BY MR. FINNERAN) Okay. And by law  
19 enforcement, I -- I -- let me just go through some  
20 things. Are you aware of any inquiries by members  
21 of the Missouri Highway Patrol?

22          A       No.

23          Q       Are you aware of any inquiries by any  
24 federal investigator relating to the Torch devices?

25          A       No.

1           Q       Are you aware of any inquiries by any  
2 member of the Missouri Gaming Commission relating  
3 to the Torch devices?

4           A       No.

5           Q       Fair to say that you are not aware of  
6 any inquiry by any government official other than  
7 the ones we've just shown you relating to the Torch  
8 devices?

9           A       None. No.

10          Q       Is it fair to say that?

11          A       Yes.

12          Q       That you are not aware?

13          A       Not aware. Sorry.

14          Q       Great. Thank you. Are you aware of  
15 a company called Integrity Vending?

16          A       No.

17          Q       Are you aware of a action in Platte  
18 County, Missouri, in October 2018 relating to the  
19 seizure of Integrity Vending devices?

20          A       No.

21          Q       Okay. Are you aware of a company  
22 called Amusement Concepts, Incorporated?

23          A       No.

24          Q       Are you aware of a gentleman, we just  
25 said his name earlier, named James McNutt?

1           A       No.

2           Q       Are you aware of a company called  
3   Midwest Petroleum?

4           A       No.

5           Q       Your lack of knowledge is rendering  
6   many of my questions irrelevant, so I'm just trying  
7   to go through them real quick.

8           A       I understand.

9           Q       Are you aware of a company called  
10   Accel Entertainment, A-c-c-e-l Entertainment?

11          A       No.

12          Q       You are aware of Banilla. We talked  
13   about Banilla.

14          A       Mm-hmm.

15          Q       Are you aware of any financial or  
16   contractual arrangements between Banilla and Torch?

17          A       No.

18          Q       Other than -- let me ask -- let me  
19   ask this way. Other than paying Banilla for  
20   devices, are you aware of any other payments that  
21   Torch makes to Banilla?

22          A       No.

23          Q       Okay. Do you know if Torch gets any  
24   sort of discount on its devices from Banilla?

25          A       No. I don't know that Torch gets --

1 no.

2 Q Fair to say you just pay the bills so  
3 you don't know --

4 A Right, yeah.

5 Q -- how those things get negotiated,  
6 you're not -- you're just not aware?

7 A No, I'm not aware.

8 Q Okay. To your knowledge, do Torch  
9 and Banilla share any employees?

10 A No.

11 Q Do Torch and Banilla use any of the  
12 same independent contractors, to your knowledge?

13 A No.

14 Q Are you aware of any agreements that  
15 Torch has reached with any law enforcement agency  
16 or prosecutor?

17 A No.

18 Q Do you have any familiarity with my  
19 client TNT Amusements, Incorporated?

20 A No. Just heard his name, that's it.

21 Q Whose name?

22 A Your client, TNT.

23 Q Oh, okay. You've heard the name TNT  
24 Amusements, Incorporated?

25 A That's why I'm here today, yes.



1           Q       Have you read the Complaint in this  
2 case?

3           A       No.

4           Q       Are you -- sorry?

5           A       I don't -- I'm sorry. I don't know  
6 if I did or not. I --

7           Q       Unfortunately, we don't have a copy  
8 of the Complaint, but let me try to say some things  
9 that might refresh your recollection and we can  
10 grab a copy on a break if we need to.

11          A       Okay.

12          Q       Our client, TNT, filed a Complaint on  
13 March 15 of this year in federal court against  
14 yourself, your husband, and Torch Electronics, LLC.

15          A       Right.

16          Q       It was a 50-plus page document with  
17 numbered paragraphs, had some photographs in it.  
18 Do you have any recollection of that?

19          A       Yes. Yes.

20          Q       Okay. Do you believe you read that  
21 document?

22          A       I probably skimmed the document. But  
23 that's really it. I remember seeing the  
24 photographs because it was interesting, yes.

25          Q       Okay. Do you have any knowledge of a

1 person named Jim Turntine?

2 A Isn't he affiliated with TNT?

3 Q Yes.

4 A Okay, yeah.

5 Q But I have to ask, I don't want to  
6 give you the answer.

7 A I understand, yes.

8 Q So yes --

9 A I just was trying to --

10 Q Do you have any knowledge of a person  
11 named Marla Turntine?

12 A No.

13 Q Okay. What do you know of Jim  
14 Turntine?

15 A I just know that he owns TNT and  
16 that's it.

17 Q Okay.

18 A Yeah.

19 Q Do you have any knowledge of any  
20 other TNT employees?

21 A No.

22 Q Any other independent contractors of  
23 TNT's?

24 A No.

25 Q Okay. Are you aware of the idea of a

1 random number generator?

2 A No.

3 Q Are you familiar with the term  
4 "finite pool"?

5 A No.

6 Q You mentioned that this outside firm,  
7 Wolff -- I forgot the other name.

8 A Wolff and Taylor.

9 Q -- Wolff and Taylor, they handle your  
10 financials.

11 A Correct.

12 Q Do they produce annual financial  
13 statements for you?

14 A Yes.

15 Q Do they produce profit and loss  
16 statements for you?

17 A Yes.

18 Q Do you have any hand in providing  
19 information for those statements?

20 A Yes.

21 Q What sort of information do you tend  
22 to provide?

23 A Just basically we use QuickBooks, so  
24 I take the accounts payable, bank statement -- bank  
25 statements, as that kind of feeds into the AR part

1 of accounting, and then, um, basically they -- they  
2 just kinda go into our files and do it and then  
3 they produce the income, federal income tax return  
4 for us, that we pay every year.

5 Q And do you review the annual  
6 financials for accuracy?

7 A Um, I have, but we've used them for  
8 as long as Steven and I been married, which is 25  
9 years. I don't tend to check them anymore.

10 Q Okay. Based upon your review of the  
11 financial statements, is it fair to say that  
12 Torch's business has grown considerably each year  
13 that it's been in business?

14 A I don't know.

15 Q Do you have a rough sense of whether  
16 the company has grown over time?

17 A I feel like it has, but I -- that's  
18 all I can say.

19 Q Do you not, um, have an  
20 understanding, and I'm not getting -- I don't want  
21 a number. Don't give me a number. But do you have  
22 an understanding of whether the company has  
23 increased in revenue from year to year?

24 A I don't know.

25 Q Okay. That's probably as close as I

1 can get without getting past things --

2 MR. CRAIG: I agree with that.

3 MR. FINNERAN: I guess we can't  
4 really...

5 Q (BY MR. FINNERAN) Can I get Son 1  
6 back, please, the first exhibit just for a moment?  
7 If you can put it back in front of you, I guess,  
8 and then I'll take a look at it. Thank you. It's  
9 the one that looks like this.

10 A Yep.

11 Q Okay.

12 A Got it.

13 Q So I think you said you were not  
14 familiar with these -- these particular locations.  
15 When you are doing accounting for Torch, do you  
16 track revenues on a location-by-location basis?

17 A No.

18 Q How does Torch account for and track  
19 its revenues?

20 MR. CRAIG: Object to form. If you  
21 know.

22 A I don't know.

23 Q (BY MR. FINNERAN) I guess I need to  
24 understand your answer better because it must be  
25 the case that somehow you get information about

1     what revenue Torch has received. So how do you  
2     obtain information about Torch's revenue?

3             A       Well, through the bank, through the  
4     bank statements.

5             Q       So am I to understand then that the  
6     auditors would directly deposit into your bank  
7     account the money that they collect from various  
8     locations?

9             A       Correct, yes, that's the way it  
10    works.

11            Q       How are they -- are they -- how do  
12    they have the authority to deposit that into your  
13    bank account? Do they all have signatory authority  
14    over your bank accounts, or how do they have that  
15    ability?

16            A       I know they don't have signature  
17    authority. They basically, you know, talk to  
18    Steven. They know that, you know, I don't know,  
19    have used so many names. They know that our  
20    auditor is going to deposit into that bank, the  
21    people of the bank, the people that work at the  
22    bank, I don't know how to word that. But they --  
23    so Steven talks to that auditor and then talks to  
24    the bank and then the bank knows that auditor's  
25    going to come in and deposit for Torch Electronics.

1 Q Okay.

2 A Yes.

3 Q So in other words, Mr. Miltenberger  
4 would authorize each of the auditors to make  
5 deposits into a Torch Electronics bank account.

6 A Yes.

7 Q Where does Torch's bank account  
8 reside? What bank I mean?

9 A I don't know. We have quite a few.

10 Q Well, what are the banks that you  
11 bank at, Torch Electronics banks at?

12 A I don't know. I mean there's --  
13 there's a few.

14 Q Yeah, so can you --

15 A I'm not meaning like two or three.  
16 Because we -- I mean there's a few banks.

17 Q Okay. Can you name at least some  
18 that you remember?

19 A Phelps County. Um, Legends Bank. I  
20 mean there's a few others.

21 Q And so does Torch maintain bank  
22 accounts at each of the banks that you're thinking  
23 of?

24 A Yes. Oh, yeah.

25 Q And when it then assesses its

1 revenues, does it transfer money from those banks  
2 to a single account, or does it keep those moneys  
3 where they were originally deposited as a general  
4 rule?

5 A It transfers.

6 Q Okay.

7 A Yeah.

8 Q Is there one bank account to which  
9 money is typically transferred?

10 A Yes.

11 Q And what bank is that?

12 A It's a Busey Bank account.

13 Q Okay. And so going back to the  
14 accounting piece, which is where I tried to start  
15 here, so is there any way for you, with that  
16 information, to track the particular locations that  
17 any deposits are coming from?

18 A Yeah, but the tracking, when I said  
19 no, it's because I don't do it. Steven sees those  
20 numbers. So that's where it's at.

21 Q And how does Mr. Miltenberger  
22 determine then how each device, or each location,  
23 how much money is being made at each location, how  
24 would he have that information?

25 A I don't know.



1 Q Okay.

2 A Yeah. I don't know that part.

3 Q Okay.

4 A Yeah.

5 Q You mentioned earlier that the  
6 auditors will get receipts from the machines and  
7 then balance that against the cash in the machines?

8 A Mm-hmm.

9 MR. CRAIG: Is that a yes? Sorry.

10 A I'm sorry. Yes. Yes.

11 Q (BY MR. FINNERAN) Do you -- do you  
12 happen to know whether those receipts are kept by  
13 Torch Electronics?

14 A Yes.

15 Q They are kept?

16 A Yes, they are kept by Torch  
17 Electronics.

18 Q Okay. That -- that might be a way to  
19 figure it out, then, if you have those records.

20 A Right.

21 Q Okay. Do you make any effort, from  
22 an accounting standpoint, to balance what those  
23 receipts show against what the deposits are to your  
24 bank accounts?

25 A Yes.

1 Q And typically do things balance?

2 A 98 percent of the time. Depends on  
3 what's going on out there.

4 Q Yeah, fair enough. Okay. All right.

5 A Is that -- oh, I thought it was --  
6 never mind.

7 Q Okay. I asked you earlier about your  
8 knowledge of TNT Amusements and Jim Turntine, its  
9 owner. Do you have any knowledge of what sort of  
10 machines or devices TNT markets?

11 A No.

12 Q Okay. If you've -- if you've at  
13 least seen of Complaint at some point, you probably  
14 understand that TNT contends that the Torch devices  
15 are illegal gambling devices.

16 Do you have any recollection of when  
17 you first learned that TNT had raised that  
18 contention?

19 A I don't know. It feels like a  
20 hundred years ago but, um, no. I don't. I don't  
21 know. I know it was maybe a couple years ago? Or  
22 a year ago? You said March 15.

23 Q That's when the Complaint was filed.

24 A Oh, okay.

25 Q I'm asking prior to the Complaint

1 were you aware of any allegation by TNT or Jim  
2 Turntine that Torch's devices were illegal?

3 A Yes. I mean, that's what they  
4 claimed, yes.

5 Q When did you become aware of that  
6 allegation?

7 A Like two years, two, two and a half  
8 years ago.

9 Q Okay.

10 A That's a guess.

11 Q Are you aware of any news reporting  
12 about Torch's machines?

13 A No.

14 Q Have you never seen a newspaper  
15 article about Torch's machines?

16 MR. CRAIG: Object to form.

17 A Not newspaper, but I mean online. I  
18 guess it's the same thing, but...

19 Q (BY MR. FINNERAN) Okay. Well, you  
20 --

21 A Sorry.

22 Q You didn't read it in an actual  
23 newspaper, but who does these days.

24 A Right.

25 Q But you are -- are you aware of there

1 being news articles published by news -- news  
2 entities about Torch's devices?

3 A Yes.

4 Q And what generally is your  
5 understanding of those news articles?

6 MR. CRAIG: Object to form.

7 A I don't know. I mean...

8 Q (BY MR. FINNERAN) Are you aware of  
9 allegations in news articles that the Torch devices  
10 are illegal devices?

11 MR. CRAIG: Object to form.

12 A I mean, yeah, but -- yeah, I am  
13 aware, but it's the news. So. Run with that.

14 Q (BY MR. FINNERAN) And do you recall  
15 when you first learned of an allegation in a  
16 newspaper or news article about Torch's devices  
17 being illegal?

18 MR. CRAIG: Object to form.

19 A Yeah, I mean, that feels like a  
20 hundred years ago too, but I don't -- two years  
21 ago? Three years ago?

22 Q (BY MR. FINNERAN) Okay.

23 A I -- I'm just kinda throwing the  
24 years out there.

25 Q I mean you can only give me your best

1 recollection.

2 A Yeah.

3 Q So whatever you recall is fine.

4 A Yes.

5 Q Have you seen any television reports  
6 about Torch's devices?

7 A Yes.

8 Q And what do you recall about those  
9 reports?

10 A Oh, my God. Um, just the same thing  
11 basically that the news says. I mean it's just  
12 basically the same thing, I mean. I don't know.

13 Q Do you recall when you first saw a  
14 television story about Torch's devices?

15 A About a month ago.

16 Q Do you recall what news station it  
17 was on?

18 A I know it was here, but I can't  
19 remember, maybe Fox News 2 or something like that?  
20 I don't...

21 Q When you say "here," do you mean in  
22 the St. Louis area?

23 A I'm sorry, yes, St. Louis.

24 Q Okay. Do you recall any radio  
25 coverage or interviews about Torch devices?

1           A       No.

2           Q       Okay. Are you aware of a company  
3 called Rocket Convenience?

4           A       No.

5           Q       Does Torch have any agreements with  
6 any lobbyists?

7           A       I don't know.

8           Q       Are you aware of a gentleman named  
9 Steve Tilley?

10          A       No.

11          Q       Have you ever paid an invoice to a  
12 gentleman named Steve Tilley?

13          A       Not to Steve Tilley himself. I mean,  
14 there's a, you know, group or whatever, but that  
15 was -- that was really it.

16          Q       Okay. Are you thinking of a company  
17 called Strategic Capitol Consulting?

18          A       Mm-hmm.

19          Q       Are you aware that that's a company  
20 affiliated with Mr. Tilley?

21          A       Yes. Yes, I mean, I just pay it and  
22 go -- I just don't think about it.

23          Q       Okay. But you at least know that  
24 Mr. Tilley is affiliated with that company?

25          A       Yes, but he is not the only one.

1 Q Fair enough.

2 A Yes.

3 Q And do you know what Torch pays  
4 Strategic Capitol Consulting to do?

5 A What to do?

6 Q Yeah. Do you know what -- what  
7 you're paying them for?

8 A No.

9 Q Okay. Have you ever met with people  
10 from Strategic Capitol Consulting?

11 A Besides Steve?

12 Q Including Steve. If you have.

13 A Yeah, but it's -- I mean, yes, but  
14 it's been a little bit probably, yeah.

15 Q Okay. So when did you meet with  
16 Mr. Tilley?

17 A Oh, it's been a -- it's been a little  
18 while. I mean I could say eight months.

19 Q Okay.

20 A Yeah.

21 Q Is Mr. Tilley an attorney?

22 A No. He was Speaker of the House, I  
23 know that, but...

24 Q I don't think he is, but --

25 A Okay.

1           Q       So can you tell me then what your --  
2       what your meeting -- the purpose was of your  
3       meeting with Mr. Tilley?

4           A       I didn't meet with him. Steven met  
5       with him.

6           Q       I'm sorry.

7           A       Sorry. I should have said that  
8       clearer, but I didn't meet with him.

9           Q       You did not meet with him?

10          A       I did not meet with him. Steven --  
11       Steven did.

12          Q       Okay. Have you ever met with  
13       Mr. Tilley?

14          A       Yeah, but it was like lunch or  
15       something like that, that Steven and I would go to  
16       a lunch, but it wasn't like, you know, we would  
17       talked about whatever. It was just lunch.

18          Q       Okay. Have you ever had a meeting --  
19       I'm sorry to keep asking. I just want to make sure  
20       we nail it down.

21                   Have you ever had a meeting with  
22       Mr. Tilley where you have discussed lobbying on  
23       behalf of Torch Electronics?

24          A       No.

25          Q       Okay. That will do it.



1                   Are you aware of any efforts that  
2     Mr. Tilley and Strategic Capitol Consulting engaged  
3     in to amend Missouri's gambling laws?

4                   A       No.

5                   Q       Are you aware of any efforts that  
6     were undertaken in the legislature to amend  
7     Missouri's gambling laws?

8                   A       No. Oh, wait a minute. I'm sorry.  
9     Are you -- I mean yes, I think if I -- if I know  
10    what you're talking about. Are you talking about  
11    like the VLT thing?

12                  Q       That's one possible thing, sure.

13                  A       Okay. Yeah, that's all I know.

14                  Q       And What's your awareness of that?

15                  A       That it's a VLT. It's a video  
16    lottery gambling device and things would get  
17    rewarded to the lottery. That's all I know.

18                  Q       Okay. How did -- how did you come to  
19    learn about that?

20                  A       I don't know. How? Steven?

21                  Q       Okay. Are you aware of any political  
22    contributions that Torch Electronics has made?

23                  A       No.

24                  Q       Are you aware of any, um, events that  
25    Torch Electronics has hosted on behalf of any

1 political candidate?

2 A No. I mean, no, we haven't done  
3 that. No.

4 Q Okay. Are you aware of any  
5 contributions that you or your husband have made to  
6 any political candidate in Missouri?

7 A No.

8 Q Are you aware of any events that you  
9 or your husband have hosted for a political  
10 candidate in Missouri?

11 A No. We have -- no, not hosted.

12 Q Okay. Have you attended any  
13 fundraising events for candidates in the State of  
14 Missouri? You personally?

15 A My -- myself? I -- myself?

16 Q Yes.

17 A I mean yeah, but -- yes, but not  
18 recently.

19 Q Okay.

20 A Yeah.

21 Q How recently?

22 A Five months ago maybe? Four months  
23 ago? Whatever -- I'd say like August.

24 Q Okay.

25 A Whatever August is.

1 Q And what event are you thinking of?

2 A It was just basically a fundraiser  
3 for four guys that were in the House, or Senate,  
4 and I have no clue what their names are, I don't  
5 remember.

6 Q Okay.

7 A So that is about as far as that will  
8 go.

9 Q Okay. Do you know if you or your  
10 husband made contributions to -- to any political  
11 candidates in connection with that event?

12 A No.

13 Q You don't know?

14 A I don't know, no.

15 Q Okay. Do you know who Greg Keller  
16 is?

17 A No.

18 Q Okay.

19 MR. FINNERAN: I'm going to take my  
20 mic off for a second so I can grab the exhibits  
21 real quick.

22 MR. CRAIG: Could we take a break  
23 while you --

24 MR. FINNERAN: Yeah, sure, that'll be  
25 a good time.

1 THE VIDEOGRAPHER: Off the record at  
2 11:19.

3 (Off the record.)

4 (Son M Exhibits 13 through 22 marked  
5 for identification by the court reporter.)

6 THE VIDEOGRAPHER: We are back on the  
7 record. This is media unit number three, the time  
8 is 11:34.

9 Q (BY MR. FINNERAN) All right,  
10 Ms. Miltenberger, a few housekeeping matters.  
11 First, these will hopefully go quickly. I'm going  
12 to hand you a copy of what have been marked  
13 Exhibits 13 and 14. We got ahead on marking them  
14 on the break.

15 MR. CRAIG: Thank you.

16 MR. FINNERAN: You're welcome.

17 Q (BY MR. FINNERAN) These are copies  
18 of the first request for production that we  
19 provided to Torch and a copy of the first set of  
20 interrogatories that we provided to Torch.

21 I want to be clear when I'm asking  
22 these questions, I am not asking for any  
23 communications with your attorney. All I would  
24 like to know is with respect to each of these, what  
25 did you do in order to gather documents that might

1 be responsive to our requests?

2 A I'm -- can you rephrase that?

3 Q (BY MR. FINNERAN) Yeah. So first of  
4 all, have you seen these documents before?

5 A Oh. Yeah, I've seen it and I read  
6 it, sort of, and that was about it.

7 Q Okay. Did you take any steps  
8 thereafter to gather documents to provide to your  
9 attorney for review?

10 A Oh, I'm sorry. If -- so Steven would  
11 have provided those documents.

12 Q Okay. Did you have any involvement  
13 in that process?

14 A No.

15 Q Okay. Do you have an email account  
16 that is separate from Steven's email account?

17 A Yes.

18 Q Does Steven have access to your email  
19 account?

20 A Yes.

21 Q Do you understand whether he reviewed  
22 your email account in order to provide information  
23 to your attorney?

24 A Yeah, I mean...

25 Q Do you happen to know whether he

1 looked in your email account to see if there were  
2 any responsive documents to our requests?

3 A Yes, I mean, but there wasn't.

4 Q Okay.

5 A Yeah.

6 Q Okay. What about text messages? Did  
7 you have -- did you provide either your husband or  
8 your attorneys access to your text messages?

9 A No.

10 Q Okay. What about your paper files?  
11 Did you provide either your husband or your  
12 attorneys access to your paper files to respond to  
13 these requests?

14 A No.

15 Q Okay. Do you recall reading the  
16 interrogatories which are labeled as --

17 A 13?

18 Q 13, yes.

19 A Yeah, this is I'm saying, I did like  
20 read it, but to be honest, I didn't like totally  
21 consume it.

22 Q Okay. I understand. Do you recall  
23 looking up any information in order to be able to  
24 respond to these interrogatories?

25 A No.

1           Q       Okay. I'm going to hand you now what  
2 have been marked as 15 and 16.

3           MR. FINNERAN: Aaron, here you go.  
4 Sorry. 15 and 16. Here you go.

5           MR. CRAIG: Thank you.

6           Q       (BY MR. FINNERAN) So now what I've  
7 handed to you are copies of TNT's second request  
8 for production and second set of interrogatories.  
9 I will tell you that we only provided these to your  
10 attorneys last week, so I don't want to surprise  
11 with you anything, but have you seen either of  
12 these documents before?

13          A       I've seen them, yes. Yes.

14          Q       Okay. And have you, so far,  
15 understanding that you have more time to respond,  
16 but have you so far taken any steps to provide  
17 either your husband or your attorneys with  
18 documents to be able to respond to these requests?

19          A       No.

20          Q       Okay. All right. You can put those  
21 aside. All right. We're back to that sort of, um,  
22 rapid fire we did a while ago where I'm going to  
23 show you documents you probably haven't seen based  
24 upon your prior statements and you just need to  
25 confirm that for me.

1           A       Okay.

2           Q       But obviously if you have seen it,  
3 let me know that as well.

4           A       Okay.

5           Q       So the first one is number 17.

6           A       Oh, sorry.

7           Q       You're all right.

8                   MR. FINNERAN: Aaron, here is 17.

9           Q       (BY MR. FINNERAN) I've handed you a  
10 document that is titled Probable Cause Statement.  
11 It's State of Missouri versus Torch Electronics,  
12 the date on the document is December 14, 2019, and  
13 it is reflected as being in the county of Linn,  
14 L-i-n-n. And then there is a file stamp that  
15 actually says 10/21/2020.

16                   Do you recognize this document?

17           A       No.

18           Q       Do you believe you've ever seen it  
19 before?

20           A       No.

21           Q       Okay. Are you -- were you aware in  
22 and around this time of a Probable Cause Statement  
23 being filed against Torch Electronics?

24           A       No.

25           Q       Okay. Here is 18. Okay.



1 MR. CRAIG: Thank you.

2 MR. FINNERAN: Do you have another  
3 stack? I lost my copy. Tim, I actually have a  
4 copy of this if you -- you're probably familiar.

5 MR. SIGMUND: I think I've seen it  
6 before. Thanks.

7 Q (BY MR. FINNERAN) These are actually  
8 -- looks like two got stapled together, but rather  
9 than making us redo that, do you see here that  
10 there is -- or actually perhaps it's an attachment.  
11 Let me see if I can figure that out real quick.  
12 Well, it's consecutively numbered, so I'll just ask  
13 you about both of them.

14 So what I'm showing you now is a  
15 letter dated November 6, 2019, to a Shinate  
16 McMahon, Prosecuting Attorney of Linn County,  
17 signed by your attorney, Tim Sigmund, and attached  
18 to it is an email chain of correspondence.

19 Do you recognize this document?

20 A No.

21 Q Have you ever seen it before?

22 A I have not seen it before.

23 Q And do you have any recollection of  
24 there being a discussion between your attorney and  
25 Mr. McMahon, the Prosecuting Attorney for Linn

1 County, in and around November of 2019?

2 A No.

3 Q Okay. On to Number 19. Here we have  
4 a communication from July of 2019 from your  
5 husband, Mr. Miltenberger, to a Wayne Baker, as  
6 well as two other email addresses, both ending in  
7 baker@woilco.com and if you flip to the second and  
8 third pages, you'll see it attaches a copy of the  
9 MGC letter that we discussed previously.

10 Do you have any recollection of  
11 seeing an email like this in and around July of  
12 2019?

13 A No.

14 Q Do you believe you've ever seen this  
15 document before?

16 A No, I have not seen this.

17 Q And do you have -- well, we already  
18 talked about that letter, so we can move on. Here  
19 is number 20.

20 MR. FINNERAN: Aaron.

21 Q (BY MR. FINNERAN) I've just handed  
22 you a document that is marked Application and  
23 Affidavit for Search Warrant for Evidence of a  
24 Criminal Offense for the County of Greene. This is  
25 a affidavit by a Sergeant Jason B. Trammell and the

1 date at the end of the document is August 12, 2021.

2 Does this document look familiar to  
3 you?

4 A No.

5 Q Have you ever seen a document like  
6 this before?

7 A No.

8 Q Do you have any recollection of  
9 learning about an affidavit for a search warrant  
10 issued in the County of Greene in and around August  
11 of 2021?

12 A No.

13 Q Okay. Just two more. I have handed  
14 you a document marked for identification as  
15 document 21. This is a letter again from your  
16 attorney, Mr. Sigmund, to a John M. Hessel dated  
17 January 21, 2019.

18 Do you recognize this document?

19 A No.

20 Q Do you have any recollection of  
21 seeing a document -- this document before?

22 A No.

23 Q Do you have any recollection of there  
24 being a discussion with Mr. Hessel around 2019 --  
25 excuse me, January of 2019 relating to Torch

1 devices?

2 A No.

3 Q Okay. And the last one. This is a  
4 letter dated November 8, 2018, to a City Attorney  
5 David Bandre in the City of Holts Summit, Missouri.  
6 It is also a letter from Tim Sigmund dated -- well,  
7 the letter is dated November 8, 2018.

8 Do you have any recollection of this  
9 document?

10 A No.

11 Q Do you believe you've ever seen it  
12 before?

13 A No.

14 Q Do you have any recollection of a  
15 discussion in around 2018 with the City Attorney of  
16 Holts Summit about the Torch devices?

17 A No.

18 Q Okay. I hope I didn't talk too fast.  
19 Just trying to move through that. Okay. Where did  
20 the photos go. All right.

21 Ms. Miltenberger, do you recall a  
22 Complaint being filed against Torch Electronics in  
23 the Western District of Missouri in March of this  
24 year, a class action lawsuit called Romano?

25 A No.

1           Q       Do you believe you ever reviewed a  
2       copy of that lawsuit?

3           A       No.

4                   MR. FINNERAN:   Okay.   I'm going to  
5       mark this for identification as document 23, Son M  
6       23.   And let's go ahead and mark 24 at the same  
7       time.

8                   (Son M Exhibits 23 and 24 marked for  
9       identification by the court reporter.)

10          Q       (BY MR. FINNERAN)   What I've handed  
11       you are two photographs that were provided in the  
12       lawsuit I just mentioned of children playing what  
13       appear to be, at least in one of photos, a Torch  
14       device.

15                   Do you -- have you seen these photos  
16       before?

17          A       Yeah, and you asked me about the  
18       lawsuit thing, um, first, and then I said no.   I  
19       haven't seen that part but I had seen the photos,  
20       yeah.   So I've seen these photos.

21          Q       Okay.   Was it in the context of the  
22       lawsuit you saw the photos?   Or some other context?

23          A       It was probably in that, but then I  
24       just don't remember the lawsuit part of it, but  
25       then remember this more 'cause --

1           Q       Totally understandable.  They're  
2     pictures.

3           A       Yeah, and I don't know that they're  
4     ours but...

5           Q       Well, if you look at the first of the  
6     two photos which is marked 23 --

7           A       Yeah.

8           Q       -- do you see in the center of the  
9     photograph a Torch sticker on the device?

10          A       Yeah, I believe that's what it is.

11          Q       Okay.  And I will admit to you that I  
12     cannot make out a Torch sticker on any of the  
13     devices in the second document, but do you  
14     recognize those devices as being either similar or  
15     dissimilar to Torch devices?

16                   MR. CRAIG:  Object to form.

17          A       I -- I don't know because I can't --  
18     that side -- that side sticker there --

19          Q       (BY MR. FINNERAN)  Oh, I'm sorry,  
20     you're looking at a different --

21          A       No, I see that.  Anybody can  
22     Photoshop that, but yeah, I don't -- I'm not sure  
23     about -- what did you ask me?

24          Q       Well, I'm sorry, I think we -- we've  
25     miscommunicated.  So I was asking about the second

1 photograph.

2 A Oh, yes. Oh, these are not Torch  
3 machines.

4 Q Okay. And How do you know they're  
5 not Torch machines?

6 A Um, just because I'm pretty familiar  
7 with what they look like, and that's really it,  
8 yeah.

9 Q Okay. So you believe that the -- the  
10 physical appearance of these devices convinces you  
11 they're not Torch machines?

12 A Yeah. This is -- yeah.

13 Q Okay. So we, on the first photograph  
14 of 23 --

15 A This one?

16 Q -- yes, that one -- um, we agree that  
17 there is what appears to be a Torch sticker in the  
18 center of the photograph; correct?

19 A Sure.

20 Q And just now looking -- just ignoring  
21 the Torch sticker for the moment and looking at the  
22 rest of the machine, does that machine look like  
23 the kind of machines that Torch typically places in  
24 locations?

25 A Um, I don't know because there's

1 different kinds, but -- and they have different  
2 fronts, but I don't know that these look like  
3 Torches.

4 Q Okay. Fair enough. Other than  
5 seeing these photographs today and seeing them  
6 previously, do you have any awareness of children  
7 playing Torch devices?

8 MR. CRAIG: Object to form.

9 A There -- there are no children  
10 playing the Torch devices.

11 Q (BY MR. FINNERAN) How do you know  
12 that?

13 A I -- I don't, but, I mean -- I mean,  
14 especially after people saw this, they were, you  
15 know, made aware that, you know, especially  
16 children not to play. So that's all I really know.

17 Q Okay. Other than seeing these  
18 photographs, had you previously received any  
19 reports of children playing the machines?

20 A No.

21 Q Have you subsequently received  
22 reports of children playing the machines?

23 A No.

24 Q Are there any steps that Torch takes  
25 to prevent children from playing the machines?



1           A       Um, I don't know.

2           Q       You're not aware of any steps?

3           A       At this time, no.

4           Q       Okay. Why shouldn't children play  
5 the machines?

6                   MR. CRAIG: Object to form.

7           A       You're supposed to be 18.

8           Q       (BY MR. FINNERAN) Under -- why are  
9 they supposed to be 18?

10          A       I don't know. I thought that was on  
11 the other document. Um...

12          Q       Is it --

13          A       Or maybe 16. Maybe 16. It might be  
14 16.

15          Q       Is it your understanding there's some  
16 law that prevents children from playing the  
17 devices?

18          A       No, there's no law, no.

19          Q       Well, then, what is it that would  
20 prevent a child from playing the devices?

21          A       I -- I don't know.

22          Q       Is there a Torch policy that prevents  
23 children from playing the devices?

24          A       Um, no.

25          Q       Are, to your knowledge, does Torch

1     instruct amusement location owners to not allow  
2     children to play the devices?

3             A       Can you repeat that?

4             Q       Yes. To your knowledge, does Torch  
5     instruct amusement location owners and operators  
6     not to permit children to play the devices?

7             A       Yeah, they encourage it, yeah.

8             Q       They encourage what? Sorry?

9             A       They encourage them not to play the  
10    machines --

11            Q       There's two theys in the sentence.

12            A       -- the children.

13            Q       Who encourages whom? Torch  
14    encourages --

15            A       Torch encourages the location for the  
16    children not to play the machines.

17            Q       How does Torch do that?

18            A       I don't know. I mean, I -- I don't  
19    know.

20            Q       Okay. What is the reason that  
21    children would not be permitted to play the  
22    machines?

23                    MR. CRAIG: Object to form. Only if  
24    you know.

25            A       I don't know.

1           Q       (BY MR. FINNERAN) Is it -- is it  
2 fair to assume that you -- you believe that the  
3 machines are not gambling devices?

4           A       Oh, I definitely believe they're not  
5 gambling devices, yes.

6           Q       So if they're not gambling devices,  
7 why would children not be permitted to play them?

8                   MR. CRAIG: Object to form.

9           A       I don't know. You go into a casino,  
10 can you play at ten years old?

11          Q       (BY MR. FINNERAN) No.

12          A       Okay.

13          Q       But that would be a gambling device.

14          A       Right.

15          Q       So I'm asking you, if they're not  
16 gambling devices, why is it that a child should not  
17 be permitted to play the Torch devices?

18                   MR. CRAIG: Object to form. If you  
19 know.

20          A       I don't know.

21          Q       (BY MR. FINNERAN) Okay. Do you know  
22 if Torch takes any steps to prevent what are  
23 sometimes called problem gamblers or gambling  
24 addicts from playing Torch devices?

25          A       I don't know. I mean, Torch -- I

1 don't know.

2 Q Um, is it fair to say, then, you're  
3 not aware of any steps Torch takes to prevent  
4 problem gamblers --

5 A At this time, no.

6 Q Sorry, let me finish the question for  
7 the court reporter.

8 You're not aware of any steps that  
9 Torch takes to prevent problem gamblers or gambling  
10 addicts from playing Torch devices?

11 A Correct.

12 Q Okay. Do you believe that it's  
13 appropriate for Torch to prevent gambling addicts  
14 and problem gamblers from playing Torch devices?

15 MR. CRAIG: Object to form, calls for  
16 improper speculation.

17 A Um, can you repeat that?

18 Q (BY MR. FINNERAN) Yeah. Do you  
19 believe that it would be appropriate for Torch to  
20 take steps to prevent problem gamblers or gambling  
21 addicts from playing Torch devices?

22 MR. CRAIG: Same objection.

23 A I -- I don't know.

24 Q (BY MR. FINNERAN) I'm sorry, you  
25 said?

1           A       I don't know.

2                   MR. FINNERAN:   Okay.   The statute,  
3   please?   We'll mark this as 25.

4                   (Son M Exhibit 25 marked for  
5   identification by the court reporter.)

6           Q       (BY MR. FINNERAN)   Ms. Miltenberger,  
7   what I've just handed you is a copy of Missouri  
8   Revised Statute 572.010.   It is the section of the  
9   Missouri law that defines, among other things, the  
10   terms "gambling, contest of chance, gambling  
11   device," and "slot machine."

12          A       Mm-hmm.

13          Q       Are you familiar with this section of  
14   the Missouri Statutes?

15          A       No.

16          Q       Has -- have -- other than a  
17   conversation with an attorney, because I don't want  
18   to know about those attorney -- those  
19   conversations, has anyone ever discussed with you  
20   the definitions of either "gambling" or "gambling  
21   device" under Missouri law?   Not a conversation  
22   with your attorneys --

23                   MR. CRAIG:   Not just me, but any  
24   attorney ever.

25                   MR. FINNERAN:   Any attorney, right.

1           A       Yeah, it's just something that -- I  
2       don't know that I've ever had a conversation with.  
3       I just kind of assume.

4           Q       (BY MR. FINNERAN) What is it that  
5       you assume?

6           A       That, well, what you just asked me  
7       about it being a gambling device or non-gambling  
8       device, you know, that's just -- I mean, because we  
9       been doing this for a little bit, it's just -- I  
10      just kind of feel like I know. I don't know that  
11      anybody's ever really told me.

12          Q       Okay.

13          A       Even Steven.

14          Q       Told you what?

15          A       About it being a gambling device or  
16      whatever.

17          Q       Okay.

18          A       Yeah.

19          Q       So you don't recall a conversation  
20      with your husband or with any other person who is  
21      not an attorney about whether Torch devices are or  
22      are not gambling devices?

23          A       Right.

24          Q       Okay. Do you have an opinion as to  
25      whether they are or are not gambling devices?

1                   MR. CRAIG: Object to form, calls for  
2 expert and legal testimony.

3                   Q       (BY MR. FINNERAN) You may answer if  
4 you have an opinion.

5                   A       Yeah, I have an opinion. They're  
6 not.

7                   Q       Why do you believe they are not?

8                   A       Just because the different forms of,  
9 you know, Steven and I have discussed to, you know,  
10 like we've been through with these questions and  
11 whatever and, you know, I just -- I just believe, I  
12 mean, I've been to Vegas, you know?

13                  Q       Mm-hmm.

14                  A       And so I know what those do and what  
15 these do and, you know, I don't know the ins and  
16 outs of it 100 percent, but I do know the logistics  
17 of just a little bit of it.

18                  Q       Okay.

19                  A       And Torch's machines are not illegal.

20                  Q       Okay. And what is it in your mind  
21 that makes a Torch machine different from a  
22 gambling device like you might have seen when you  
23 were in Vegas?

24                       MR. CRAIG: Object to form, calls for  
25 expert testimony.

1           A       I don't recall. I don't know.

2           Q       (BY MR. FINNERAN) But you -- so you  
3       don't have an understanding of how they're  
4       different, but you believe that they are different  
5       in a significant way?

6           A       Yeah, I mean, that's real technical  
7       and I don't know that I can...

8           Q       No, that's fine if you --

9           A       I know. I know. But I'm just saying  
10      it's real technical. I just don't know the deep,  
11      you know, the deep part of it, you know, or the ins  
12      and outs 100 percent, you know. I know the basic.

13          Q       I understand. So I'd like to direct  
14      your attention to the first page of the document  
15      I've handed you.

16          A       Okay.

17          Q       You see where it says number 4 and  
18      then it says the word "Gambling"?

19          A       Mm-hmm.

20          Q       Okay. I'm just going to read into  
21      the record the first sentence and then ask you to  
22      read along with me to make sure I'm reading it  
23      correctly. It says (quote as read):

24                 ...a person engages in gambling  
25                 when he or she stakes or risks



1 something of value upon the  
 2 outcome of a contest of chance or  
 3 a future contingent event not  
 4 under his or her control or  
 5 influence, upon an agreement or  
 6 understanding that he or she will  
 7 receive something of value in the  
 8 event of a certain outcome.

9 First of all, did I read that  
 10 correctly?

11 A Yes.

12 Q Okay. Do you have an understanding  
 13 of whether the Torch devices involve a player  
 14 staking something of value when they play the  
 15 devices?

16 MR. CRAIG: Object to form, calls a  
 17 legal expert opinions.

18 A Don't know that.

19 Q (BY MR. FINNERAN) Do you agree with  
 20 me that in order to play the device, a player must  
 21 insert money into the machine?

22 MR. CRAIG: Object to form, expert  
 23 testimony.

24 A Yeah.

25 Q (BY MR. FINNERAN) Okay. Then at the

1 end of this it says that (quote as read):

2 ...upon agreement or  
3 understanding that he or she will  
4 receive something of value in the  
5 event of a certain outcome.

6 Do you agree with me the Torch  
7 devices involve a agreement or understanding that  
8 the player will receive something of value in the  
9 event of a certain outcome?

10 MR. CRAIG: Object to the form, calls  
11 for legal and technical expert opinion.

12 A I don't know.

13 Q (BY MR. FINNERAN) Okay. Do you  
14 agree with me that a player of a Torch device has  
15 the capability of winning money in the event that  
16 the device produces a non-zero outcome?

17 MR. CRAIG: Object to the form of the  
18 question, expert testimony, legal and technical.

19 A I don't know.

20 Q (BY MR. FINNERAN) You don't know  
21 whether the Torch devices pay out money?

22 A Well, yeah, I know that they pay out  
23 money, but that's all I know. Do you have a better  
24 -- I thought there was more to the question.

25 Q Okay. There may have been.

1           A       Confusing me.

2           Q       Sorry, I don't mean to confuse you.  
3       I'm just trying to find out what we agree --

4           A       Doesn't take much.

5           Q       That's all right. I'm just trying to  
6       find out what we agree about and we don't agree  
7       about.

8                       So you agree the machines sometimes  
9       pay out money; correct?

10          A       Yes. Yes.

11          Q       Do you agree the player who is  
12       playing the game has an understanding that it's  
13       possible for him to win money?

14                       MR. CRAIG: Object to form,  
15       speculation as to what a player knows or  
16       understands.

17          A       I don't know. Yeah.

18          Q       (BY MR. FINNERAN) Okay. So the  
19       middle of the definition says (quote as read):

20                       ...upon the outcome of a contest  
21                       of chance.

22                       Do you believe that the Torch devices  
23       involve players playing a contest of chance?

24                       MR. CRAIG: Object to form, calls for  
25       expert testimony, technical and legal.

1           A       I don't know.

2           Q       (BY MR. FINNERAN)   Okay.   And do you  
3   believe that the -- it also says (quote as read):  
4               ...a future contingent event not  
5               under his control or influence.

6                   Do you believe the Torch devices  
7   allow a player to win or lose money on the basis of  
8   a future contingent event not under her control or  
9   influence?

10                   MR. CRAIG:   Objection, calls for  
11   speculation, legal and technical.

12           Q       (BY MR. FINNERAN)   You may answer.

13           A       I don't know.

14           Q       Okay.   Do you agree with me that the  
15   player has no ability to control whether any  
16   particular spin of the game will be a winner or a  
17   loser for him?

18                   MR. CRAIG:   Objection, speculation,  
19   calls for technical and legal expertise.

20           A       I don't know.

21                   MR. FINNERAN:   Okay.   Okay.   I think  
22   we've sufficiently covered that.   Aaron, if you  
23   give me five minutes to make sure I haven't missed  
24   anything, I will be able to wrap up.

25                   MR. CRAIG:   Absolutely.   Okay.

1                   THE VIDEOGRAPHER: Off the record at  
2     11:57.

3                   (Off the record.)

4                   THE VIDEOGRAPHER: We're back on the  
5     record, this is media unit number four, the time is  
6     12:07.

7                 Q       (BY MR. FINNERAN) Okay. We are back  
8     on the record. Miss Miltenberger, thank you again  
9     for being here today. As usual, I'd like to ask  
10    and I may not have asked last time, is there  
11    anything that, on the break, that makes you want to  
12    correct or change any of the testimony you've given  
13    today?

14                A       I don't think so. Thank you.

15                Q       Okay. Great. Absolutely. We want  
16    to give you the fair chance to give us your best  
17    recollections to things.

18                        So I have a series of somewhat random  
19    questions, so they won't be all that connected, but  
20    it's -- I'm trying to just get through them  
21    quickly.

22                        So first of all, I asked you about  
23    the stickers or decals on the devices. We can pull  
24    it back up if you want to look at it?

25                A       Oh, yeah, I know, yeah.

1           Q       Okay. My question is, is it Torch's  
2 policy to put a sticker of that sort on every one  
3 of its devices?

4           A       Yes.

5           Q       Okay. I think that you told me you  
6 do not typically communicate directly with  
7 customers about -- about issues, but are you aware  
8 of any communications where customers have raised  
9 concerns about the legality of the Torch devices?

10          A       No.

11          Q       You're not aware?

12          A       I'm not aware.

13          Q       Okay. I may have asked you this  
14 question already but forgive me, have you ever been  
15 interviewed by any law enforcement official or  
16 regulatory official about the Torch devices?

17          A       No.

18          Q       Okay. Earlier I asked you if you'd  
19 reviewed text messages in connection with our  
20 Request for Production. Do you believe that you  
21 have any text messages that would relate to Torch  
22 or its business?

23          A       No. I have none.

24          Q       You believe you have none?

25          A       I believe I have none.

1           Q       Okay. I asked you earlier about a  
2       company called Accel Entertainment, A-c-c-e-l. I  
3       believe that your husband at one point had that  
4       listed on his LinkedIn profile as an employer of  
5       his from January of 2014 to March of 2018?

6           A       Mm-hmm.

7           Q       Does that reflect your --

8                   MR. CRAIG: Is that a yes? Sorry.  
9       Excuse me.

10          A       I'm just agreeing, yeah.

11                   MR. CRAIG: Not that there's a  
12       question --

13                   MR. FINNERAN: Actually, I was --

14                   MR. CRAIG: -- there was an mm-hmm.  
15       I'm just trying to get --

16          Q       (BY MR. FINNERAN) I haven't quite  
17       asked the question yet.

18                   MR. CRAIG: Okay. Sorry.

19          Q       (BY MR. FINNERAN) So my question is,  
20       does that refresh your recollection about the  
21       company Accel Entertainment?

22          A       Yes. I don't remember the question  
23       earlier, but yes, he worked for -- for them --

24          Q       Okay.

25          A       -- at those time periods roundabout

1     yeah.   Yeah.

2             Q       Yeah.   But my question before was  
3     simply if you were aware of such a company, and I  
4     don't think you recalled it at that --

5             A       Oh, that's what it was.

6             Q       Hopefully I've refreshed your  
7     recollection.

8             A       Yes.

9             Q       So what do you know of that company?

10            A       They are, um, they're just another --  
11    well, they're a gambling business.   I don't know  
12    what you want to, call it gambling or whatever.  
13    They're an entertainment company in Illinois.

14            Q       Okay.

15            A       Closer to Chicago area, so.

16            Q       Was he an employee of that company?

17            A       He was an employee.   I think he did  
18    the marketing.   Marketing part of that, so.

19            Q       Did that company sell devices that  
20    are similar in kind to the Torch devices?

21                    MR. CRAIG:   Object to form.

22            A       I don't know that.

23            Q       (BY MR. FINNERAN)   Okay.   Do you know  
24    what the -- do you know what sort of products that  
25    company sold or distributed?



1           A       Oh, no. No.

2           Q       Okay. What -- you said that he had  
3       some involvement in marketing. Do you have a more  
4       understanding of what specifically he did?

5           A       No.

6           Q       Okay. Was that his only occupation  
7       during the time of January 2014 to January 2018 was  
8       working for Accel Entertainment?

9           A       Yes, sir.

10          Q       Okay. Do you know if Mr.  
11       Miltenerberger has any ownership interest in Accel  
12       Entertainment?

13          A       He does not, no. He does not have  
14       any.

15          Q       Okay. Does -- does -- does  
16       Mr. Miltenerberger have any contractual relationship  
17       today with Accel Entertainment?

18          A       No.

19          Q       Does Mr. Miltenerberger have any prior  
20       contractual relationship with Accel Entertainment  
21       other than his employment?

22          A       No.

23          Q       Okay. I think this is implicit, but  
24       do you have any of those connections with Accel  
25       Entertainment?

1           A       No.

2           Q       Have you ever been employed by Accel  
3   Entertainment?

4           A       No.

5           Q       Does Torch have any common ownership  
6   with Accel Entertainment?

7           A       No.

8           Q       Okay. Do you know a person by the  
9   name of Sherri Harris?

10          A       No.

11          Q       I'll try to refresh your  
12   recollection. Do you know a person named Sherri  
13   Harris who works with Banilla?

14          A       No. I'm trying to go through my  
15   names of Banilla people I know and --

16          Q       Okay.

17          A       -- no. Sherri Harris or Garris?

18          Q       Oh, I'm sorry, Garris. My bad.

19          A       Oh, okay, that's why it was taking a  
20   second.

21          Q       Okay.

22          A       Yes, I do know her. I -- alls I know  
23   her from is invoicing, though.

24          Q       Okay.

25          A       Yeah.

1 Q What is her role at Banilla?

2 A Accounts payable maybe? Accounting?  
3 Yeah.

4 Q Does she send you invoices on a  
5 regular basis?

6 A Just when we've made a purchase, when  
7 Torch Electronics has made a purchase, yeah.

8 Q Would she be the person who would  
9 typically send you an invoice under those  
10 circumstances?

11 A There's three of them.

12 Q Okay. Who are the others?

13 A Kelly, Kelly somebody, and Charity  
14 Randolph. That's all I can remember.

15 Q Okay. Does -- does Banilla only  
16 invoice -- strike that.

17 Does Banilla ever invoice Torch on a  
18 more regular basis than simply whenever it  
19 purchases products from Banilla?

20 A No, it's just as we purchase.

21 Q Okay.

22 A Yeah. But everything's due at the  
23 end of the month and we do a wire and that's how  
24 it's taken care of.

25 Q Okay. Are you familiar with a

1 company called Swizzle Stick?

2 A No.

3 Q Do you recall a company called  
4 Swizzle Stick at one point providing any services  
5 to Torch?

6 A No.

7 Q Okay. Do you know a person by the  
8 name of Dan Bryan, B-r-y-a-n, Bryan?

9 A No, I'm just thinking of somebody  
10 that works for us, but his last name is Grace, so  
11 no.

12 Q Okay. That's great then. You  
13 mentioned earlier that you have never played a  
14 Torch device; is that correct?

15 A Correct.

16 Q Is there any reason that you have  
17 never played a Torch device?

18 A No, not really. I mean, you know, if  
19 -- to be honest, if I've played it, it was in the  
20 shop and it was just trying it out. And I really  
21 just don't want to be like in the convenient store  
22 and playing it and it's -- I'm his wife and that's  
23 just, I don't know. Just the image.

24 I just don't want to be -- I just  
25 want it to be like -- I wanted -- if I wanted to --

1 I just don't gamble or entertain myself with those  
2 kinds of things, so.

3 MR. FINNERAN: Okay. Fair enough. I  
4 believe that concludes my examination.

5 THE WITNESS: Awesome.

6 MR. FINNERAN: So thank you so much  
7 for your time, I really do genuinely appreciate it.

8 THE WITNESS: Of course, okay.

9 MR. FINNERAN: Aaron?

10 MR. CRAIG: I've got nothing.

11 MR. FINNERAN: Okay.

12 THE VIDEOGRAPHER: We are off the  
13 video record at 12:14.

14 THE WITNESS: Great.

15 THE REPORTER: What would you like to  
16 do about signature?

17 MR. CRAIG: Yeah, we'll read and  
18 sign.

19 MR. FINNERAN: And we'll take a rough  
20 and a final.

21 THE REPORTER: Mr. Craig, do you need  
22 a rough draft as well?

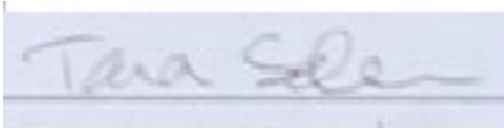
23 MR. CRAIG: Yeah, that'd be great.

24 (Wherein, the taking of the instant  
25 deposition ceased at 12:14 PM.)

1 (Deposition to be read and signed by  
2 the witness.)  
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## 1 CERTIFICATE OF REPORTER

2  
3 I, TARA SCHWAKE, a Registered  
4 Professional Reporter and Notary Public within and  
5 for the State of Missouri, do hereby certify that  
6 the witness whose testimony appears in the  
7 foregoing deposition was duly sworn by me; that the  
8 testimony of said witness was taken by me to the  
9 best of my ability and thereafter reduced to  
10 typewriting under my direction; that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties to the action in which this deposition was  
13 taken, and further that I am not a relative or  
14 employee of any attorney or counsel employed by the  
15 parties thereto, nor financially or otherwise  
16 interested in the outcome of the action.

17  
18   
19

20 Notary Public in and for  
21 The State of Missouri  
22  
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25

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Cleveland, Ohio 44114  
Phone: 216-523-1313

December 22, 2023

To: Mr. Craig

Case Name: TNT Amusements, Inc., D/B/A Play-Mor Coin-Op v. Torch  
Electronics, LLC., Et Al  
Veritext Reference Number: 6343994  
Witness: Sondra Miltenberger                      Deposition Date: 12/8/2023

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA



DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6343994

CASE NAME: TNT Amusements, Inc., D/B/A Play-Mor Coin-Op v.  
Torch Electronics, LLC., Et Al

DATE OF DEPOSITION: 12/8/2023

WITNESS' NAME: Sondra Miltenberger

In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.

I have made no changes to the testimony  
as transcribed by the court reporter.

\_\_\_\_\_  
Date Sondra Miltenberger

Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn  
Statement; and

Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6343994

CASE NAME: TNT Amusements, Inc., D/B/A Play-Mor Coin-Op v.  
Torch Electronics, LLC., Et Al

DATE OF DEPOSITION: 12/8/2023

WITNESS' NAME: Sondra Miltenberger

In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.

I have listed my changes on the attached  
Errata Sheet, listing page and line numbers as  
well as the reason(s) for the change(s).

I request that these changes be entered  
as part of the record of my testimony.

I have executed the Errata Sheet, as well  
as this Certificate, and request and authorize  
that both be appended to the transcript of my  
testimony and be incorporated therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sondra Miltenberger

Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
and acknowledge that:

They have read the transcript;  
They have listed all of their corrections  
in the appended Errata Sheet;  
They signed the foregoing Sworn  
Statement; and  
Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

ASSIGNMENT NO: 6343994

PAGE / LINE (S)	CHANGE	/REASON
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DAY OF \_\_\_\_\_, 20\_\_\_\_.

Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



## VERITEXT LEGAL SOLUTIONS

### COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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